

Condensed Transcript
Testimony of:

ANTHONY COLASURDO

Date: February 19, 2013

Alavez-Lopez, et al. v. South Jersey Sanitation Company, Inc.,
et al

No.: USDC NJ 1:10-cv-05647

R&K Reporting Inc.
PO Box 1372
Levittown, Pennsylvania 19058
Phone: 215-946-7009
Fax: 215-949-1867
Email: rkreporting@gmail.com

<p>1</p> <p>----- 2 IN THE UNITED STATES DISTRICT COURT 3 FOR THE DISTRICT OF NEW JERSEY 4 ----- 5 - - - 6 JAVIER ALAVEZ-LOPEZ, ANTONIO : CIVIL ACTION 7 HERNANDEZ, WILLIAM TOVILLA, : 8 ALEJANDRO CONSTANTINO, : 9 ANTONIO GUTIERREZ, MARCO : 10 ANTONIO ORTEGA, on behalf of : 11 themselves and those : 12 similarly situated : 13 Plaintiffs, : 14 vs. : 15 : 16 SOUTH JERSEY SANITATION : 17 COMPANY, INC. and ANTHONY : 18 COLARSURDO : 19 Defendants. : NO. 1:10-CV-05647 20 - - - 21 TUESDAY, FEBRUARY 19, 2013 22 - - - 23 DEPOSITION of ANTHONY COLASURDO, held in the 24 Law Offices of SWARTZ SWIDLER, LLC, 1878 Marlton 25 Pike, Suite 10, Cherry Hill, New Jersey 08003, at approximately 1:30 p.m., on the above date, before Kimberly A. Little, a Registered Professional Reporter, New Jersey Certified Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania. 26 - - - 27 R&K REPORTING INC. 28 Court Reporting Services 29 PO Box 1972 30 Levittown, Pennsylvania 19058 31 Phone 215-946-7009 Fax 215-949-1867</p>	<p>1</p> <p>----- 2 I N D E X 3 WITNESS: ANTHONY COLASURDO 4 EXAMINATION : PAGE 5 By Mr. Swidler 4 6 7 8 E X H I B I T S 9 MARKED DESCRIPTION : PAGE 10 (None marked) 11 12 13 14 DOCUMENT REQUESTS 15 PAGE/LINE 16 19/19 17 49/07 18 19 20 21 22 23 24 25</p> <p>2</p> <p>1</p> <p>----- 2 APPEARANCES: 3 SWARTZ SWIDLER, LLC 4 BY: JUSTIN L. SWIDLER, ESQUIRE 5 1878 Marlton Pike 6 Suite 10 7 Cherry Hill, New Jersey 08003 8 856-283-3525 9 10 -- Representing the Plaintiffs 11 12 13 COOPER, LEVISON, APRIL 14 NIEDELMAN & WAGENHEIM, P.C. 15 BY: ALYSON M. TOMLJENOVIC, ESQUIRE 16 1125 Atlantic Avenue 17 Atlantic City, New Jersey 08401 18 609-572-7438 19 atomljenovic@cooperlevenson.com 20 21 -- Representing the Defendants 22 23 24 25</p> <p>1</p> <p>----- 2 PROCEEDINGS 3 - - - 4 (It is agreed by and between 5 counsel for the respective parties 6 that the signing, sealing, filing, and 7 certification are hereby waived, and 8 that all objections, except as to the 9 form of the question, be reserved 10 until the time of trial.) 11 - - - 12 ANTHONY COLASURDO, having been 13 duly sworn, was examined and testified 14 under oath as follows: 15 - - - 16 BY MR. SWIDLER: 17 Q. Can you please state your name for 18 the record? 19 A. Pardon me? 20 Q. Can you please state your name for 21 the record? 22 A. Anthony Colasurdo. 23 Q. Mr. Colasurdo, do you go by Tony or 24 Anthony? 25 A. Anthony.</p>
---	--

<p>1 Q. My name is Justin Swidler. I 2 introduced myself to you briefly while we were 3 off the record. You can call me Justin. I am 4 going to call you Anthony, as long as that is 5 okay with you?</p> <p>6 A. That is perfectly fine.</p> <p>7 Q. I am going to go through a few ground 8 rules for you today. It's probably the same 9 rules you were told before in your deposition 10 as a designee in this case and it's likely your 11 attorney went over those rules with you today 12 or earlier. But I'm just going to go over them 13 now, so we're clear.</p> <p>14 The first rule today is, it's 15 very important that you do not guess at any of 16 my questions. That can mean two things. It 17 can either mean that you didn't hear or 18 understand the question and you're guessing at 19 what my question was, or it could mean you have 20 no idea of the answer and you're just taking a 21 wild stab in the dark. I don't want you to do 22 either of those. So if you don't know an 23 answer, tell me you don't know and if you do 24 not understand a question that I have asked, 25 ask me to repeat or rephrase it. Do you</p>	<p>5</p> <p>1 earlier as a designee witness; however, if you 2 need to take a break for any reason, the only 3 rule is there cannot be a question pending in 4 front of you when we go on break. Do you 5 understand that?</p> <p>6 A. Yes.</p> <p>7 Q. Mr. Colasurdo, what businesses do you 8 currently own?</p> <p>9 A. South Jersey Sanitation Company.</p> <p>10 Q. Okay. And how many hours per week do 11 you work?</p> <p>12 A. I have a question.</p> <p>13 Q. Yes.</p> <p>14 MS. TOMLJENOVIC: Wait.</p> <p>15 THE WITNESS: I just broke the 16 rule. If I own another business, do 17 you want to know that as well?</p> <p>18 BY MR. SWIDLER:</p> <p>19 Q. I would like to know that. I am not 20 going to go too much into it, but I would like 21 to know, yes.</p> <p>22 A. I own another, a real estate company 23 with my sister.</p> <p>24 Q. Okay. Do you have any employment 25 other than at those two companies?</p>
<p>1 understand that?</p> <p>2 A. Yes, I do.</p> <p>3 Q. If you do answer a question today, we 4 are going to assume now and a jury will assume 5 later that you understood it. Is that fair?</p> <p>6 A. Yes.</p> <p>7 Q. The second rule today, it's important 8 that we don't speak over each other. You will 9 notice there is a court reporter sitting to 10 your right and her job is to take down 11 everything both of us say. For that reason, 12 please just let me finish every question before 13 you start answering and, likewise, I will let 14 you finish every answer before I begin my next 15 question.</p> <p>16 Do you understand that?</p> <p>17 A. I do.</p> <p>18 Q. If I do cut you off today, it's by 19 mistake. It means I thought that you were done 20 testifying. Just let me know that so that you 21 can finish your answer. Do you understand 22 that?</p> <p>23 A. I do.</p> <p>24 Q. All right. Finally, I don't expect 25 to have you here too long. You did testify</p>	<p>6</p> <p>1 A. No.</p> <p>2 Q. And how much of your time do you 3 spend in the real estate venture, per week?</p> <p>4 A. About 10 hours.</p> <p>5 Q. How much time do you spend working 6 for South Jersey Sanitation Company each week?</p> <p>7 A. 60 to 75 hours.</p> <p>8 Q. What time does your day typically 9 start at South Jersey?</p> <p>10 A. There is no typical. Each day is 11 different, of my day in particular.</p> <p>12 Q. Okay. I understand each day is 13 different, but, for instance, I understand that 14 you open up at 4:30 in the morning and close at 15 the 11:00 at night. Is that accurate?</p> <p>16 A. The facility is opened.</p> <p>17 Q. That is Hammonton?</p> <p>18 A. Yes. I do not personally every day 19 turn the key and put the lights on, nor do I 20 lock up and shut the lights out every night.</p> <p>21 Q. You typically start your day at 9:00, 22 correct?</p> <p>23 A. Me at the office, yes.</p> <p>24 Q. But normally your day runs from 9:00 25 in the morning until about 9:00, 10:00 at</p>

1 night, correct? 2 A. Yes. 3 Q. And that's not necessarily all at the 4 physical location in Hammonton? 5 A. That is correct. 6 Q. Okay. And how much of that time is 7 at the physical location in Hammonton? 8 A. I can't answer that question. 9 Q. All right. 10 A. It would be a guess and you told me 11 not to. 12 Q. You can give me a range. I mean, you 13 know the answer, so it's not a guess. The 14 problem is that it's not consistent, correct? 15 A. Yes. 16 Q. So give me the range of when you 17 typically get to Hammonton. 18 A. I can't do that. I can't honestly 19 answer that question. 20 Q. So typically might be 9:00 and some 21 days it might be later; is that fair? 22 A. I'm not going to say that typically 23 it is 9:00. It can be 9:00. 24 Q. It can be 9:00 and it can be later 25 than 9:00?	9 1 about your own personal experiences, I suppose 2 you could tell me you don't remember, if you 3 don't. But a guess does not mean that just 4 because you don't have a consistent typical day 5 means you can't answer these questions. 6 When I used the word guess 7 earlier, what I meant is something that you do 8 not know, it is not in your mind and you can't 9 give me any information on it because you don't 10 have that piece of information. Do you 11 understand what I mean now when I say guess? 12 A. I would like to go off the record. 13 Q. No. There is a question pending 14 before you. 15 A. I don't understand. 16 Q. Okay. 17 A. Is there a question still pending? 18 Q. Yes, there is. 19 A. Let me know, my attorney, when I've 20 answered the question. 21 Q. Okay. And if you want to say 22 something, say it on the record. 23 A. I don't. 24 Q. Okay. My question to you -- first of 25 all do you know what you do every day?
1 A. It can. 2 Q. Can it be later than noon? 3 A. Some days. 4 Q. Okay. It's fair to say you are not 5 generally at the Hammonton location when the 6 trucks go out in the morning, correct? 7 A. Not every day. 8 Q. Not typically? 9 A. Not typically every day. 10 Q. Okay. Not regularly, correct? 11 A. When I choose to be. 12 Q. How often is that? 13 A. I can't answer that question. 14 Q. Well, is it once a month? 15 A. Sometimes. 16 Q. Sometimes it's not once a month? 17 A. Sometimes it's more. 18 Q. Sometimes it's how many times per 19 month? 20 A. I would be guessing. I -- 21 Q. I think I want to redefine the word 22 guess. A guess might be if I ask you, for 23 instance, what type of car do I drive. You 24 don't know the answer to that, I assume, so you 25 would have to guess. However, if I am asking	10 1 MS. TOMLJENOVIC: Objection to 2 form. 3 BY MR. SWIDLER: 4 Q. Are you able to testify about what 5 you do every day? 6 MS. TOMLJENOVIC: Objection to 7 form. He's already testified. 8 MR. SWIDLER: He needs to answer 9 the question. I am not going to let 10 you make speaking objections today. 11 THE WITNESS: What was the 12 question? 13 BY MR. SWIDLER: 14 Q. Are you able to testify about what 15 you do every day? 16 MS. TOMLJENOVIC: Objection to 17 form. You can answer. 18 THE WITNESS: I can't give you a 19 definitive answer as to what I do 20 every day. 21 BY MR. SWIDLER: 22 Q. I don't want a definitive answer. 23 A. I run -- I was speaking. I run a 24 company. That requires me to do many things, 25 such as being in Cherry Hill today for

<p>13</p> <p>1 depositions. I am not at the office, but I am 2 working.</p> <p>3 Q. Okay. So I understand that not every 4 day is typical and things change. I am asking 5 you for the range. You've said that sometimes, 6 once per month, you might be in Hammonton when 7 the trucks leave, sometimes it might be twice a 8 month. I am asking for the range. Is it 9 between once a month and five times, between 10 once a month and every day? Whatever the range 11 is, that's what I am asking you for. I am not 12 imposing any limitation on your answer and I 13 don't expect you to tell me it's the same every 14 month.</p> <p>15 On average, how many times per 16 month are you in Hammonton when the trucks 17 leave the station in the morning?</p> <p>18 MS. TOMLJENOVIC: Objection. 19 You can answer.</p> <p>20 THE WITNESS: It never is the 21 same. It's not something I keep 22 track of.</p> <p>23 BY MR. SWIDLER:</p> <p>24 Q. So you don't remember?</p> <p>25 A. No, I can't answer your question.</p>	<p>15</p> <p>1 Q. Okay. How about in the month of 2 January?</p> <p>3 A. Four times.</p> <p>4 Q. Okay. Do you think that's consistent 5 with your general monthly activities?</p> <p>6 A. I can't answer that.</p> <p>7 Q. Because you don't remember?</p> <p>8 MS. TOMLJENOVIC: Objection. 9 THE WITNESS: No. Because there 10 is no consistent that I -- I mean, 11 things are just not the same. They 12 are different.</p> <p>13 BY MR. SWIDLER:</p> <p>14 Q. Is there anyone in your management 15 who is at the yard every morning, or most 16 mornings at least, when the trucks leave the 17 yard?</p> <p>18 A. Yes.</p> <p>19 Q. Who?</p> <p>20 A. Edwin Morales.</p> <p>21 Q. Anyone else?</p> <p>22 A. There are other drivers, people who work for me.</p> <p>23 Q. Sure. Anyone else that you consider 24 management?</p>
<p>14</p> <p>1 MS. TOMLJENOVIC: Objection. 2 BY MR. SWIDLER:</p> <p>3 Q. Do you remember --</p> <p>4 A. The question doesn't make sense to 5 me.</p> <p>6 Q. Do you remember approximately how 7 many times per month you are at the Hammonton 8 yard when the trucks leave the yard in the 9 morning?</p> <p>10 MS. TOMLJENOVIC: Objection. 11 THE WITNESS: Which month are we 12 talking about?</p> <p>13 BY MR. SWIDLER:</p> <p>14 Q. Over the last six months, do you 15 remember the average amount of times you were 16 in the yard when the trucks left the yard?</p> <p>17 A. No.</p> <p>18 Q. How about over the last month, do you 19 remember?</p> <p>20 A. About.</p> <p>21 Q. Okay. In the last month, about how 22 many times were you at the yard?</p> <p>23 A. In the month of February?</p> <p>24 Q. In the month of February.</p> <p>25 A. Say three times.</p>	<p>16</p> <p>1 A. No.</p> <p>2 Q. You would agree with me that Edwin 3 Morales would know certainly better than you 4 would who was at the yard every morning and 5 what time they arrive, correct?</p> <p>6 A. I would agree with you based upon the 7 form of your question, yes.</p> <p>8 Q. Would you agree with me that 9 Mr. Morales would also know of the times that 10 the trucks leave the yard better than you 11 would?</p> <p>12 MS. TOMLJENOVIC: Objection to 13 form.</p> <p>14 THE WITNESS: I am going to say 15 no.</p> <p>16 BY MR. SWIDLER:</p> <p>17 Q. Okay. What personal knowledge do you 18 have regarding what times the trucks leave the 19 yard every morning?</p> <p>20 A. I can personally determine what time 21 every truck left the yard, should I choose to, 22 by technology.</p> <p>23 Q. Through, like, video cameras?</p> <p>24 A. GPS.</p> <p>25 Q. So you keep GPS records of the</p>

17	19
<p>1 trucks?</p> <p>2 A. For certain of period of time, we do.</p> <p>3 Q. What period of time do you have GPS</p> <p>4 records for the trucks?</p> <p>5 A. I don't understand the question.</p> <p>6 Q. South Jersey Sanitation has GPS</p> <p>7 records relating to the trucks, correct?</p> <p>8 A. They are not printed. I mean, we</p> <p>9 don't print them every day.</p> <p>10 Q. I understand.</p> <p>11 A. We have GPS on the vehicles.</p> <p>12 Q. And --</p> <p>13 A. If I choose to track a vehicle, we</p> <p>14 can raise it on the computer screen.</p> <p>15 Q. If you don't choose to track the</p> <p>16 vehicle, is the vehicle's movements recorded on</p> <p>17 the computer?</p> <p>18 A. It is.</p> <p>19 Q. So right now South Jersey has in its</p> <p>20 possession GPS records for some of the trucks;</p> <p>21 is that correct?</p> <p>22 A. Yes.</p> <p>23 MS. TOMLJENOVIC: Objection to</p> <p>24 form.</p> <p>25 BY MR. SWIDLER:</p>	<p>1 would relate to the time that the throwers</p> <p>2 worked?</p> <p>3 A. I am.</p> <p>4 Q. Are you aware that one of the records</p> <p>5 South Jersey Sanitation produced were time</p> <p>6 records for the truck drivers?</p> <p>7 A. Yes.</p> <p>8 Q. Do you understand that that was</p> <p>9 because those were allegedly the most accurate</p> <p>10 records South Jersey had regarding when the</p> <p>11 trucks left the station?</p> <p>12 A. What I didn't even think about were</p> <p>13 the GPS records. I just never occurred to me.</p> <p>14 Q. Until now?</p> <p>15 A. Until now, yeah.</p> <p>16 Q. How long would it take you to get</p> <p>17 those records to your attorney?</p> <p>18 A. I don't know.</p> <p>19 Q. All right. I am reserving the right</p> <p>20 to call you back and I'm reserving the right to</p> <p>21 call Mr. Morales back and I'm reserving the</p> <p>22 right to call a 30(b)6 deposition. I am going</p> <p>23 to have to contact the Court based on the</p> <p>24 deadline. We expect to have those records</p> <p>25 turned over immediately. You can speak to your</p>
18	20
<p>1 Q. Does it have GPS records for all of</p> <p>2 the trucks?</p> <p>3 A. Most of them.</p> <p>4 Q. How long has South Jersey Sanitation</p> <p>5 been maintaining those records?</p> <p>6 A. About a year.</p> <p>7 Q. You started keeping those records</p> <p>8 about a year ago?</p> <p>9 A. And the GPS system also was a year</p> <p>10 old.</p> <p>11 Q. Why did you install the GPS system?</p> <p>12 A. So I could track my trucks. And to</p> <p>13 add, it may even be a couple of months longer</p> <p>14 than a year. That was a range. Again, I can't</p> <p>15 tell you the exact date.</p> <p>16 Q. So these GPS records would show the</p> <p>17 exact time the truck left the yard every</p> <p>18 morning, correct?</p> <p>19 A. If they are working properly.</p> <p>20 Q. And they would show the exact time</p> <p>21 the truck came back to the yard every day,</p> <p>22 correct?</p> <p>23 A. If they were working properly, yes.</p> <p>24 Q. Are you aware that in this lawsuit we</p> <p>25 have asked for any records that you have that</p>	<p>1 attorney about this request.</p> <p>2 MR. SWIDLER: Do I need to put</p> <p>3 it in writing to you?</p> <p>4 MS. TOMLJENOVIC: Yes, you do.</p> <p>5 We will most likely object to it.</p> <p>6 MR. SWIDLER: Okay. Why don't</p> <p>7 after this dep we get the Judge on</p> <p>8 the phone so you can talk to her</p> <p>9 about your objection now, because we</p> <p>10 have --</p> <p>11 MS. TOMLJENOVIC: Well --</p> <p>12 MR. SWIDLER: I am going to call</p> <p>13 the Judge.</p> <p>14 MS. TOMLJENOVIC: Go ahead and</p> <p>15 call her.</p> <p>16 BY MR. SWIDLER:</p> <p>17 Q. You have these records going back</p> <p>18 about one year?</p> <p>19 A. I'm guessing, again --</p> <p>20 Q. About a year, you're estimating,</p> <p>21 correct?</p> <p>22 A. Again, I am guessing. It could be</p> <p>23 shorter. I have to check my records.</p> <p>24 Q. What computer are these records saved</p> <p>25 on?</p>

21	23
<p>1 A. I don't know. I mean, it's a system 2 that I have people run. I have very limited 3 skills with running that, to answer your 4 question, about the program or the system.</p> <p>5 Q. Who runs the system?</p> <p>6 A. It runs itself.</p> <p>7 Q. You said you have people who run it?</p> <p>8 A. When I have a question, I go to ask 9 someone, Edwin Morales. One of my people in 10 the office can pull up a truck on the certain 11 date to see what it is I might be looking for.</p> <p>12 Q. So Mr. Morales is the person who 13 knows how to use the system?</p> <p>14 A. He does have knowledge of the system.</p> <p>15 Q. He's the person you go to when you 16 need information about the GPS records 17 coordinates of the truck?</p> <p>18 A. I said he was one of the people.</p> <p>19 Q. Who are the other people?</p> <p>20 A. People in my office.</p> <p>21 Q. Tell me who they are by name, please.</p> <p>22 A. You want names?</p> <p>23 Q. I want names.</p> <p>24 A. Okay. You didn't ask before.</p> <p>25 Q. When I say who, I think it infers</p>	<p>1 Q. Anybody else?</p> <p>2 A. Yes. Michele Bauer. That is all.</p> <p>3 Q. Okay. So the people who use the GPS 4 system are Mr. Rodriguez, Ms. Badliacco, 5 Ms. DeRossi, and Ms. Bauer?</p> <p>6 A. Who is Mr. Rodriguez?</p> <p>7 Q. I'm sorry. I didn't mean 8 Mr. Rodriguez. Mr. Lopez -- no, not Lopez.</p> <p>9 A. Who is Mr. Lopez?</p> <p>10 Q. You know who I'm talking about.</p> <p>11 A. This is your deposition, my friend.</p> <p>12 Q. Mr. Morales, excuse me. Those are 13 the only people, correct?</p> <p>14 A. Who are we talking about?</p> <p>15 Q. Mr. Morales, Ms. Badliacco, Ms. 16 DeRossi, and Ms. Bauer are the four people who 17 know how to use the GPS system, correct?</p> <p>18 A. Yes, sir.</p> <p>19 Q. So when you want information of the 20 coordinates of the truck, you ask one of those 21 four, correct?</p> <p>22 A. Yes.</p> <p>23 Q. So do you know how to use the system 24 yourself?</p> <p>25 A. No.</p>
22	24
<p>1 names, but that's okay. We will be a lot 2 longer today if this is the way we are going to 3 do this.</p> <p>4 MS. TOMLJENOVIC: Objection.</p> <p>5 THE WITNESS: I have nothing but 6 time, but I do feel I am being 7 badgered and I am raising my 8 complaint right now and I would like 9 to have my attorney speak to the 10 judge about your behavior.</p> <p>11 MR. SWIDLER: We absolutely will 12 be calling the judge during the 13 deposition. It is a promise I will 14 make to you if you want me to. 15 Nevertheless, you need to answer the 16 question.</p> <p>17 THE WITNESS: What was the 18 question again?</p> <p>19 BY MR. SWIDLER:</p> <p>20 Q. The question was, other than Mr. 21 Morales, please tell me who uses the GPS system 22 that tracks the trucks?</p> <p>23 A. Dina Badliacco.</p> <p>24 Q. Anyone else?</p> <p>25 A. Yes. Lisa DeRossi.</p>	<p>1 Q. So when I asked you earlier if it's 2 true, that Mr. Morales had the most accurate -- 3 new better than you did what time the trucks 4 left every morning, that is accurate, isn't it?</p> <p>5 MS. TOMLJENOVIC: Objection to 6 form. You can answer.</p> <p>7 THE WITNESS: Yeah. I thought I 8 answered your question as fairly as I 9 could. And you asked me, I believe, 10 how would I know how what times 11 trucks left if I wasn't there. I 12 mentioned there is a GPS system and I 13 could pull up to check a vehicle.</p> <p>14 BY MR. SWIDLER:</p> <p>15 Q. And then somebody would tell you what 16 that information was?</p> <p>17 A. Or they would print it for me.</p> <p>18 Q. Okay. And how often do you do that?</p> <p>19 A. Whenever I feel like it.</p> <p>20 Q. How often was that, once a month?</p> <p>21 A. You're asking me an impossible 22 questions.</p> <p>23 Q. You installed it a year ago. How 24 many times have you done that since the system 25 has been installed, approximately?</p>

<p style="text-align: right;">25</p> <p>1 A. I don't know.</p> <p>2 Q. Has it been more than one time?</p> <p>3 A. It has.</p> <p>4 Q. Has it been more than five times?</p> <p>5 A. Yes.</p> <p>6 Q. Has it been more than 20 times?</p> <p>7 A. Yes.</p> <p>8 Q. Has it been more than 50 times?</p> <p>9 A. I don't know.</p> <p>10 Q. When is the most recent time you ran the GPS data?</p> <p>11 A. Repeat that again.</p> <p>12 Q. When is the most recent time you reviewed the GPS data from one of your trucks?</p> <p>13 A. Last week. Today is Tuesday, the 19th of February, I think Thursday, which would be the 14th of February, Valentine's Day.</p> <p>14 Q. Why did you run it on that day?</p> <p>15 A. I wanted to see how long a particular route was taking, I was looking into one of my drivers.</p> <p>16 Q. Which driver?</p> <p>17 A. Glenn Onkay.</p> <p>18 Q. Which route does he run?</p> <p>19 A. Front load route.</p>	<p style="text-align: right;">27</p> <p>1 year, do you mean --</p> <p>2 Q. The going back --</p> <p>3 A. Calendar year or 12 months?</p> <p>4 Q. I mean 12 months.</p> <p>5 A. Then the answer is yes --</p> <p>6 Q. Okay.</p> <p>7 A. -- that I have reviewed GPS on a residential route within the last 12 months, more than five times.</p> <p>8 Q. More than five times? Okay. But not last year? When you said you hadn't done it in the last year, so I am trying to understand that answer now.</p> <p>9 A. You asked me if I had -- this is going to be quite tedious if I have to remember everything that you ask me. But I believe you've asked me if during the last year I have reviewed a residential truck more than five times. And my answer was no, because in my head, I'm thinking -- and that is why I clarified, do we mean from January 1 to today or the last 12 months.</p> <p>10 Q. So last year --</p> <p>11 A. That is why I asked you that question.</p>
<p style="text-align: right;">26</p> <p>1 Q. What location does he go to?</p> <p>2 A. All over, I mean, he wasn't -- he was picking up commercial customers.</p> <p>3 Q. He wasn't doing residential trash pickup?</p> <p>4 A. No.</p> <p>5 Q. Did you ever run the GPS data for a truck that does residential trash pickup?</p> <p>6 A. Say that again, please.</p> <p>7 Q. Have you ever run the GPS data for a truck that does residential trash pickup?</p> <p>8 A. Myself personally, no.</p> <p>9 Q. Have you ever reviewed the GPS data for a truck that runs residential trash pickup?</p> <p>10 A. Yes.</p> <p>11 Q. When is the most recent time you did that?</p> <p>12 A. Don't recall.</p> <p>13 Q. How many times have you done that, more than five times in the last year, reviewed data specifically for a residential trash pickup truck?</p> <p>14 A. No.</p> <p>15 Q. Okay.</p> <p>16 A. Wait a minute. When you say, last</p>	<p style="text-align: right;">28</p> <p>1 Q. Just so I know how to phrase my questions better, last year to you means 2013?</p> <p>2 A. Last year to me --</p> <p>3 MS. TOMLJENOVIC: Objection to form.</p> <p>4 THE WITNESS: I think you need to specify the time frame you're asking me a particular question about.</p> <p>5 BY MR. SWIDLER:</p> <p>6 Q. I want to make sure I ask my questions the way you can understand them. When I say, last year, do you think that means 2013?</p> <p>7 A. It can be whatever period you want me to think.</p> <p>8 Q. Is that what you think it means?</p> <p>9 A. In that particular way you phrased it the first time when you asked me that question, you said in this past year, to me, that meant the year we are in, the way --</p> <p>10 Q. I didn't say in this past year. You had it right the first time.</p> <p>11 A. That is what I thought you said.</p> <p>12 Again, I am not going to remember what it is</p>

<p style="text-align: right;">29</p> <p>1 you said.</p> <p>2 THE WITNESS: And, again, for</p> <p>3 the second time, I feel like I am</p> <p>4 being badgered by this young man.</p> <p>5 BY MR. SWIDLER:</p> <p>6 Q. I am allowed to figure out why you're</p> <p>7 changing your responses. That's part of my</p> <p>8 job, in fact. I wouldn't be doing my job if I</p> <p>9 didn't do that. I will be doing that</p> <p>10 throughout this whole deposition.</p> <p>11 A. My personal opinion on that is, since</p> <p>12 you can't remember a person's name that you</p> <p>13 deposited not long ago, why am I being held to a</p> <p>14 higher standard than you when it comes to</p> <p>15 remembering what you said, when you can't</p> <p>16 remember it yourself.</p> <p>17 Q. I wasn't asking what my question was.</p> <p>18 I am asking what you meant by last year. When</p> <p>19 you repeated my question, you had it right. So</p> <p>20 I think you remembered it just fine.</p> <p>21 Have you reviewed the GPS data</p> <p>22 for a residential trash pickup truck more than</p> <p>23 10 times in the last year, which would go back</p> <p>24 12 months?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">31</p> <p>1 BY MR. SWIDLER:</p> <p>2 Q. You can give me a range, sir.</p> <p>3 MS. TOMLJENOVIC: That is his</p> <p>4 testimony.</p> <p>5 MR. SWIDLER: No speaking</p> <p>6 objection. You know that.</p> <p>7 MS. TOMLJENOVIC: Let's stop and</p> <p>8 call the judge. Enough is enough</p> <p>9 with this.</p> <p>10 BY MR. SWIDLER:</p> <p>11 Q. I am allowed to ask you for an</p> <p>12 estimate on range. You have told me it's more</p> <p>13 than 10 times.</p> <p>14 MS. TOMLJENOVIC: I said we are</p> <p>15 going to call the judge.</p> <p>16 THE WITNESS: May I ask</p> <p>17 something of my attorney?</p> <p>18 MS. TOMLJENOVIC: No. You can't</p> <p>19 talk to me now that the deposition</p> <p>20 has started.</p> <p>21 THE WITNESS: I'm done until we</p> <p>22 speak to the judge. I am done.</p> <p>23 MS. TOMLJENOVIC: Let's speak to</p> <p>24 the judge.</p> <p>25 MR. SWIDLER: Okay. So I just</p>
<p style="text-align: right;">30</p> <p>1 Q. How many times have you reviewed it?</p> <p>2 A. I don't know.</p> <p>3 Q. It's more than 10. Give me a number</p> <p>4 that it's less than?</p> <p>5 MS. TOMLJENOVIC: Objection to</p> <p>6 form.</p> <p>7 THE WITNESS: I can't answer</p> <p>8 that question. Your questions are</p> <p>9 nonsensical.</p> <p>10 BY MR. SWIDLER:</p> <p>11 Q. Do you not understand the question?</p> <p>12 MS. TOMLJENOVIC: Objection.</p> <p>13 THE WITNESS: I understand how</p> <p>14 you are asking them.</p> <p>15 BY MR. SWIDLER:</p> <p>16 Q. Do you not understand my question?</p> <p>17 A. You are asking for a number I cannot</p> <p>18 give you truthfully.</p> <p>19 Q. I am asking you what the outer limits</p> <p>20 of the amount of times that you reviewed the</p> <p>21 data are. Certainly you can give me a range.</p> <p>22 MS. TOMLJENOVIC: Objection. He</p> <p>23 testified he can't.</p> <p>24 MR. SWIDLER: It's not credible</p> <p>25 that he can't.</p>	<p style="text-align: right;">32</p> <p>1 want to understand. I want to make</p> <p>2 sure I can explain to the judge what</p> <p>3 you're telling me. You're</p> <p>4 refusing --</p> <p>5 THE WITNESS: You can explain to</p> <p>6 the judge exactly what I am going to</p> <p>7 tell him.</p> <p>8 MS. TOMLJENOVIC: You are not</p> <p>9 going to speak to the judge.</p> <p>10 MR. SWIDLER: And it's a her.</p> <p>11 THE WITNESS: Okay. Regardless.</p> <p>12 You are badgering me. I am willing</p> <p>13 to be here and answer any question</p> <p>14 that you ask that makes sense to the</p> <p>15 best of my ability.</p> <p>16 BY MR. SWIDLER:</p> <p>17 Q. I'm allowed to ask you for estimates.</p> <p>18 You are the only person who would know how many</p> <p>19 times you viewed this data.</p> <p>20 A. I am not going to sit here and argue</p> <p>21 with you.</p> <p>22 Q. I am not arguing with you.</p> <p>23 MS. TOMLJENOVIC: Let's just</p> <p>24 call the judge.</p> <p>25 THE WITNESS: I think you are --</p>

<p>1 MR. SWIDLER: What is the 2 objection? 3 MS. TOMLJENOVIC: Because you 4 asked the same question 20 times. He 5 says he doesn't recall. 6 MR. SWIDLER: He never said he 7 doesn't recall. He said he won't 8 answer. 9 MS. TOMLJENOVIC: He did say 10 that several times until you badgered 11 him into one -- 12 MR. SWIDLER: No. If he says he 13 doesn't recall, we'll move on. If he 14 says he doesn't recall, I'm moving 15 on. 16 MS. TOMLJENOVIC: You can go 17 back and read the whole thing. When 18 he tried to say he didn't recall, you 19 said that is not credible. 20 MR. SWIDLER: No. What he said 21 is he can't answer the question, 22 which is not the same as I can't 23 recall. 24 BY MR. SWIDLER: 25 Q. Is your testimony you don't know, you</p>	<p>33</p> <p>1 do with a union campaign? 2 A. No. 3 Q. Okay. Why do you not keep specific 4 records regarding the hours that the throwers 5 work? 6 A. We just never did. And when it 7 became problematic, I was always of the opinion 8 that we were compensating them very fairly 9 based upon minimum wage and what their hours 10 would have been throughout a year, that 11 sometimes there are longer workdays or shorter 12 workdays than others. And so I gave them what 13 I thought was a very livable wage, commensurate 14 with the industry, so that these men in 15 February can make the same pay or come home 16 with a decent pay as they would in July. 17 February, because there is no hours, they're 18 shorter days. And I use that as a range, if 19 you will. Certain times of year are busier 20 than others. But a man still needs to make 21 enough money to feed his family. 22 Q. My question to you wasn't why do you 23 pay the truck throwers as you do. My question 24 is, why have you chosen not to keep records 25 regarding the hours they work?</p>
<p>1 have no idea, it could be 20 times, it could be 2 500 times, how many times you reviewed the GPS 3 data for residential trash pickup trucks? 4 A. My answer is, that I cannot give you 5 a specific number of times, even into a range 6 that is between 20 and 500. 7 Q. Okay. You've answered the question. 8 We can move on. 9 I am just going to show you three 10 documents we marked -- 11 THE WITNESS: Are we no longer 12 calling the judge? 13 MS. TOMLJENOVIC: No. We will 14 call him later. We were going to 15 call him with regards to that line of 16 questioning. 17 BY MR. SWIDLER: 18 Q. These were previously marked 1A, 1B, 19 and 1C. According to your earlier testimony 20 and according to Mr. Morales' testimony, South 21 Jersey Sanitation does not keep specific time 22 records for throwers; is that accurate? 23 A. Yes, it is. 24 Q. Okay. And you testified in your 25 previous deposition that that had something to</p>	<p>34</p> <p>1 A. A lot of the throwers don't come to 2 the physical facility to punch in or out. We 3 pick them up at home. We allow them to use 4 their own transportation if they wish to come 5 to where they are going to work. So they are 6 not necessarily there to punch a clock, a time 7 card. 8 Q. It's -- 9 A. In further answer your question, you 10 mentioned the union, once this lawsuit was 11 brought, by your firm, because of the union 12 activity that was coming on, we were not 13 allowed by union rules or the National Labor 14 Relations Board to change things we were doing. 15 16 Q. But the throwers are not part of the 17 union, are they? 18 A. There is no union, but they were part 19 of the -- I forgot what they call it, but part 20 of the unit. 21 Q. The bargaining group? 22 A. The bargaining -- something similar 23 to that. 24 Q. The throwers, they help, obviously, 25 with residential track pickup, correct?</p>

37	39
<p>1 A. Yes.</p> <p>2 Q. Is it your position that their day</p> <p>3 starts when they arrive at the first residence</p> <p>4 where they will be picking up trash?</p> <p>5 A. Yes. The thrower's day starts when</p> <p>6 they begin physically to work.</p> <p>7 Q. But what do you mean by that?</p> <p>8 A. That they start putting trash into</p> <p>9 the vehicle, into the truck.</p> <p>10 Q. How about when they get out of the</p> <p>11 inside of the truck and go on the back of the</p> <p>12 truck, but before they have started picking up</p> <p>13 trash, is that work? So they are now standing</p> <p>14 on the outside of the truck, but they haven't</p> <p>15 yet arrived at the first residence, would you</p> <p>16 consider that work?</p> <p>17 MS. TOMLJENOVIC: Objection to</p> <p>18 form.</p> <p>19 THE WITNESS: I think that's a</p> <p>20 very short period of time, because</p> <p>21 the traveling distance they need to</p> <p>22 be in the vehicle. Let's say that</p> <p>23 when the vehicle they are traveling</p> <p>24 in pulls up to the first trash can,</p> <p>25 that is part of their day, that's</p>	<p>1 A. Many of the throwers know the routes</p> <p>2 better than the drivers.</p> <p>3 Q. Are the throwers informed before each</p> <p>4 day of work -- it doesn't matter what time --</p> <p>5 prior to the day of work, which house will be</p> <p>6 the first residence they will pick up trash</p> <p>7 from that day?</p> <p>8 MS. TOMLJENOVIC: Objection to</p> <p>9 form. You can answer, if you can.</p> <p>10 THE WITNESS: I don't know what</p> <p>11 they know.</p> <p>12 BY MR. SWIDLER:</p> <p>13 Q. They are riding in the garbage truck</p> <p>14 that they'll be working on, correct?</p> <p>15 A. In some cases. In most cases.</p> <p>16 Q. Okay. In other words, they are not</p> <p>17 taking a bus? They are riding in the garbage</p> <p>18 truck, correct?</p> <p>19 A. They have taken their own</p> <p>20 transportation to work and we pick them up</p> <p>21 at -- for instance, and this is the only way I</p> <p>22 can answer this question, if they are working</p> <p>23 in Cherry Hill but they live in Vineland, they</p> <p>24 have the option to take whatever route,</p> <p>25 whatever transportation they want, to get to a</p>
38	40
<p>1 when the workday starts. I would</p> <p>2 include the time it takes for them to</p> <p>3 walk to the back of the truck.</p> <p>4 BY MR. SWIDLER:</p> <p>5 Q. Maybe this is your answer -- and I'm</p> <p>6 not trying to put words in your mouth. I want</p> <p>7 to understand. Do they exit out of the</p> <p>8 passenger part of the truck upon arriving at</p> <p>9 the very first residence they will taking the</p> <p>10 trash out of, or do they exit out of the</p> <p>11 passenger area of the truck before then, if you</p> <p>12 know? I don't want you to guess.</p> <p>13 A. Well, no. We have been through this</p> <p>14 before, when I tried not to guess and then you</p> <p>15 get mad at me. I think, to answer your</p> <p>16 question in the best manner that I can, that</p> <p>17 they have no reason to get out of the truck</p> <p>18 before they are ready to start picking up at</p> <p>19 work, to go to work.</p> <p>20 Q. Okay.</p> <p>21 A. I've never had that particular</p> <p>22 question posed to me.</p> <p>23 Q. Does a thrower know the specific</p> <p>24 house, the very first house of the route each</p> <p>25 day? Is that told to the thrower?</p>	<p>1 spot in Cherry Hill where we'll pick them up.</p> <p>2 Q. So there are specific locations that</p> <p>3 they can report to?</p> <p>4 MS. TOMLJENOVIC: Objection to</p> <p>5 form.</p> <p>6 BY MR. SWIDLER:</p> <p>7 Q. That isn't the residence, but it's</p> <p>8 somewhere close to the residences; is that your</p> <p>9 testimony?</p> <p>10 A. They could, if they'd like.</p> <p>11 Q. Okay. I just want to understand. If</p> <p>12 they don't do that, they are getting on the</p> <p>13 garbage truck and the garbage truck is driving</p> <p>14 them to the residence, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And just so that I can</p> <p>17 understand, do you have any accurate records</p> <p>18 regarding the exact time that the thrower</p> <p>19 starts the workday, as you define that term, in</p> <p>20 other words, when they first start picking up</p> <p>21 trash? Do you have any records that show that</p> <p>22 time?</p> <p>23 A. Perhaps.</p> <p>24 Q. What records do you have?</p> <p>25 A. If those GPS reports are accurate, I</p>

41	43
<p>1 can see when the truck starts a residential 2 route. We would be inferring that's actually 3 what they are doing, but there is no video, but 4 we can look at a GPS report to see when it 5 arrives at, you know, 1978 Route 70, and when 6 it starts going from stop to stop.</p> <p>7 Q. According to Mr. Morales, there's a 8 number of occasions where employees just don't 9 show up for work, throwers don't show up 10 unannounced. Do you agree that is a common 11 problem?</p> <p>12 A. That happens sometimes.</p> <p>13 Q. According to Mr. Morales, it's a 14 pretty common problem. Do you agree with that?</p> <p>15 MS. TOMLJENOVIC: Objection to 16 form.</p> <p>17 THE WITNESS: It happens 18 sometimes, yeah.</p> <p>19 BY MR. SWIDLER:</p> <p>20 Q. Okay.</p> <p>21 A. I mean, there are -- I don't know. I 22 have 100 employees. Sometimes a guy doesn't 23 come to work.</p> <p>24 Q. You've testified during the union 25 proceedings that, in fact, you're generally not</p>	<p>1 what we asked Mr. Morales -- if an employee, 2 say, in Vineland doesn't get on the garbage 3 truck when he is supposed to and the garbage 4 truck is supposed to meet him at his house at a 5 specific time, that employee is marked as 6 absent. Did you know that?</p> <p>7 MS. TOMLJENOVIC: Objection to 8 form.</p> <p>9 THE WITNESS: I don't know how 10 Mr. Morales does his own particular 11 notes to himself. I only require 12 that I know who I have to pay at the 13 end of the week.</p> <p>14 BY MR. SWIDLER:</p> <p>15 Q. If the employee is not at the exact 16 location where the garbage truck is to pick up 17 the employee at the time set in advance, the 18 employee is considered absent from work. Did 19 you know that? Do you agree with that?</p> <p>20 A. I don't know if I am going to agree 21 to a statement someone else made.</p> <p>22 Q. Let's forget it's a statement. Do 23 you agree that an employee -- let's just use a 24 hypothetical name. John Smith is getting 25 picked up from Vineland every day from his own</p>
42	44

<p>45</p> <p>1 his -- no. Rephrase. He starts work when he 2 starts picking up garbage, that's --</p> <p>3 Q. So I just want to bring that to its 4 conclusion and we will move on. Your position 5 is he starts work after he is required to 6 report on the garbage truck, correct?</p> <p>7 MS. TOMLJENOVIC: Objection to 8 form.</p> <p>9 THE WITNESS: Or show up at his 10 spot where he's supposed to be.</p> <p>11 BY MR. SWIDLER:</p> <p>12 Q. In this particular employee, we have 13 established that he was supposed to report at a 14 specific time and if he is not there, he will 15 be marked absent. So he is supposed to be at 16 the pickup location in this hypothetical 17 example. But even for him, it's your position 18 that his workday wouldn't start until he 19 actually starts moving trash in the Vineland 20 residential route, correct?</p> <p>21 A. Yes.</p> <p>22 Q. So that would be after his reporting 23 time, correct?</p> <p>24 MS. TOMLJENOVIC: Objection to 25 form.</p>	<p>47</p> <p>1 And then Morales 1 --</p> <p>2 MR. SWIDLER: C -- that actually 3 would be 1A. So it's just 1.</p> <p>4 MS. TOMLJENOVIC: Morales-1 is 5 just a single page and it looks to be 6 just the schedule marking how many 7 days that pay period someone worked.</p> <p>8 MR. SWIDLER: Right.</p> <p>9 MS. TOMLJENOVIC: Okay.</p> <p>10 BY MR. SWIDLER:</p> <p>11 Q. Now, prior to the GPS, these would be 12 the most accurate records South Jersey would 13 have regarding what time the truck drivers 14 worked, correct?</p> <p>15 A. Yes.</p> <p>16 Q. It would also be the most accurate 17 records South Jersey has regarding which 18 throwers work with which truck drivers, 19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. And it would also be the most 22 accurate record showing which days of the week 23 the throwers worked, correct?</p> <p>24 A. Yes.</p> <p>25 Q. And prior to the GPS being installed</p>
<p>46</p> <p>1 THE WITNESS: Yes.</p> <p>2 BY MR. SWIDLER:</p> <p>3 Q. Okay. Before the GPS records, GPS 4 devices were installed on the trucks, South 5 Jersey certainly would not have had more 6 accurate records than the records would show 7 when 1A, 1B, and 1C regarding the time when the 8 trucks left the yard and came back to the yard, 9 correct?</p> <p>10 A. Well, may I look at these?</p> <p>11 Q. Oh, please.</p> <p>12 MS. TOMLJENOVIC: You want --</p> <p>13 MR. SWIDLER: They have been 14 previously marked. If Mr. Colasurdo 15 doesn't know what they are, since 16 they are his own business documents, 17 then I can discuss them further. But 18 I will say for now, they were 19 previously marked as Morales 1A, 1B, 20 and 1C.</p> <p>21 MS. TOMLJENOVIC: For the 22 record, Morales 1C looks to be the 23 driver's time cards. Morales 1B 24 looks to be the daily schedules 25 previously supplied by defendant.</p>	<p>48</p> <p>1 on the trucks, these would be the most accurate 2 records you would have regarding the -- I am 3 not saying they are exactly accurate, but it 4 would be the most accurate records you have 5 regarding the actual hours the throwers worked, 6 correct?</p> <p>7 MS. TOMLJENOVIC: Objection to 8 form. You can answer.</p> <p>9 THE WITNESS: Say that, again, 10 please.</p> <p>11 BY MR. SWIDLER:</p> <p>12 Q. I am going to rephrase it a little. 13 If one was trying to determine 14 how many hours the throwers worked, prior to 15 the GPS records being installed, these records 16 in front of you would be the most accurate 17 records available to us to try to determine how 18 many hours the throwers worked, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And your position is, though, that 21 there is now GPS installed sometime over the 22 last year or so and those records may be more 23 accurate than these; is that fair?</p> <p>24 A. Yes.</p> <p>25 Q. And you now believe these GPS records</p>

49	51
<p>1 may be the most accurate records you have 2 regarding the hours that the plaintiff in this 3 action worked, correct?</p> <p>4 MS. TOMLJENOVIC: Objection to 5 form.</p> <p>6 THE WITNESS: I do.</p> <p>7 MR. SWIDLER: Again, we are 8 going to request these records. Do 9 you intend to object to that request?</p> <p>10 MS. TOMLJENOVIC: Yes.</p> <p>11 MR. SWIDLER: Okay.</p> <p>12 MS. TOMLJENOVIC: And also to 13 the three 30(b)6 depositions.</p> <p>14 MR. SWIDLER: Okay.</p> <p>15 BY MR. SWIDLER:</p> <p>16 Q. I'm going instruct you, and your 17 attorney will explain this to you later, that 18 whatever computer these files are saved on 19 needs to be preserved. Needs to be preserved 20 as of today. There are ways that -- and I know 21 that your attorney is familiar with it -- 22 computers can be forensically copied, so to 23 ensure that no data is lost and ensure it is 24 all preserved properly. I am going to instruct 25 you to do that. It may involve you,</p>	<p>1 BY MR. SWIDLER: 2 Q. Okay. Now, according to your sworn 3 Interrogatory responses, the throwers were, in 4 essence, paid a daily rate and it was not 5 material how many hours they worked each day, 6 correct?</p> <p>7 A. Explain to me material. I am not 8 sure.</p> <p>9 Q. It didn't change their compensation.</p> <p>10 A. Correct.</p> <p>11 Q. Okay. And the way you explained this 12 in your Interrogatory is that it's based on 13 approximately 10 hours per day, calculated 14 would be in effect minimum wage and upon 15 assumption an employee will be paid for eight 16 hours at regular time minimum wage, two hours 17 at an overtime rate, which is one and a half 18 times the minimum wage, together with a daily 19 incentive.</p> <p>20 Do you agree that that is how the 21 daily rate is calculated?</p> <p>22 A. Yes. The 10 hours a day would be, 23 like, a maximum. If a thrower worked six 24 hours, he would get the same rate.</p> <p>25 Q. What happens --</p>
50	52
<p>1 unfortunately, having to take the computer out 2 of business for a little while, just probably 3 for a few hours. It may also require that you 4 change some internal preferences. If you have 5 an IT person, you need to speak to that person 6 to ensure the data does not self delete. Like 7 I say, your attorney will discuss this with 8 you, but I'm telling you this on the record 9 now. And I do note it's 2:14 p.m. on Tuesday, 10 February 19th.</p> <p>11 Based on the fact that, at least 12 until the GPS records were installed, the 13 records in front of you, which have been marked 14 1,1B, and 1C, are the most accurate records that 15 South Jersey has, you agree with me that even 16 these records do not tell you the exact amount 17 of hours any of the throwers worked, correct?</p> <p>18 A. Correct.</p> <p>19 Q. So you don't actually have any 20 records regarding the exact amount of hours the 21 throwers worked, at least up until a year ago 22 or so, when the GPS was installed, correct?</p> <p>23 MS. TOMLJENOVIC: Objection to 24 form. You can answer.</p> <p>25 THE WITNESS: Yes. Correct.</p>	<p>1 A. That would be the part that would be 2 the incentive. The incentive would change 3 based upon the hours.</p> <p>4 Q. But what happens if the thrower works 5 more than 10 hours?</p> <p>6 A. On a particular day?</p> <p>7 Q. On a particular day.</p> <p>8 A. If he worked six the next, he's paid 9 for -- you know, he's doing well.</p> <p>10 Q. Okay. Let's say it's a strange week, 11 very busy, he works 10 hours every day. Is it 12 your testimony that can never happen, nobody 13 could ever work 10 hours every day, five days 14 in a week, no thrower?</p> <p>15 MS. TOMLJENOVIC: Objection to 16 form.</p> <p>17 THE WITNESS: I am going to say 18 that they could. In some instances, 19 guys are even compensated more, if 20 they do something extra.</p> <p>21 BY MR. SWIDLER:</p> <p>22 Q. I am not saying extra. I'm saying 23 they do exactly what they are supposed to do, 24 but the busy days mean they are working longer 25 hours. How does your formula deal with that</p>

<p style="text-align: right;">53</p> <p>1 situation? Is that what the incentive is for? 2 A. If a thrower were to work -- since 3 you said, not extra -- but if they were to work 4 longer days, then we would, in our opinion -- 5 and you have payroll records that you've 6 subpoenaed of ours to see -- some guys got paid 7 extra money for particular days, because they 8 did work longer or do more. I mean, those two 9 tend to go hand in hand. If they work longer, 10 they do more.</p> <p>11 Q. When you say they get paid more, you 12 mean the daily rate would be increase?</p> <p>13 A. Some guys get extra incentive put on 14 their daily rate that particular day.</p> <p>15 Q. Who decides if that's going to 16 happen?</p> <p>17 A. Edwin, myself.</p> <p>18 Q. Is that discretionary?</p> <p>19 A. What does that mean?</p> <p>20 Q. In other words, do you have an 21 exclusive agreement with throwers that if they 22 work more than X hours they will get X extra 23 dollars added to their incentive, or is it a 24 discretionary amount?</p> <p>25 A. It's a discretionary amount.</p>	<p style="text-align: right;">55</p> <p>1 us the extra hours the employee worked? 2 A. Since there are no record hours, 3 that, I cannot do.</p> <p>4 Q. Are there some occasions where 5 throwers come back to the Hammonton yard and 6 then on request get to do another assignment?</p> <p>7 A. Rephrase that.</p> <p>8 Q. Are there occasions where a thrower, 9 perhaps to get an incentive bonus, an extra 10 incentive bonus, returns to the Hammonton 11 yard at the end of the -- I don't want to call 12 it mornings, I know it goes to midafternoon -- 13 but the first truck pickup, I am going to call 14 it the morning pickup, but we will both know 15 that the trucks may return after 12:00.</p> <p>16 A. I understand.</p> <p>17 Q. So the thrower comes back to the 18 Hammonton yard after that first route. Are 19 there occasions where that thrower, either 20 because you need him or he requests it, gets to 21 go back out on another route?</p> <p>22 A. In the event that there are short 23 routes, we may have a thrower work another 24 route to complete a full day, yes.</p> <p>25 Q. Does South Jersey keep track of when</p>
<p style="text-align: right;">54</p> <p>1 Q. So there is a guaranteed daily rate, 2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. And that amount is guaranteed, if 5 they work a day they will make that much money, 6 regardless of the hours they work, correct?</p> <p>7 A. Yes.</p> <p>8 Q. But then there is a discretionary 9 amount that sometimes you or Mr. Morales adds 10 to that and that discretionary amount is just 11 basically because you recognize they worked 12 even longer might normally be required?</p> <p>13 A. That is one instance. Another 14 instance would be, I want to keep them happy. 15 The next time we need them to do more, they 16 need to know that there is -- again, I use the 17 word, more, again and you're more interested in 18 time. But the next time we need them to do 19 something that would require them to work 20 longer, they know they are going to make more 21 money. And they always have the option of 22 requesting more based upon what they did.</p> <p>23 Q. How do you keep track if an employee 24 does more, other than through a discretionary 25 bonus? Are there any records that would show</p>	<p style="text-align: right;">56</p> <p>1 those occurrences happen?</p> <p>2 A. No.</p> <p>3 Q. And you don't know when those 4 occurrences have happened by memory, do you?</p> <p>5 MS. TOMLJENOVIC: Objection to 6 form.</p> <p>7 THE WITNESS: Not by memory. I 8 will say, there are a couple of 9 routes that are just shorter in 10 nature and, when there's something 11 that might require a hour or 12 something, that's the first truck in 13 and they would go and get it.</p> <p>14 BY MR. SWIDLER:</p> <p>15 Q. Which routes are shorter?</p> <p>16 A. They change. There is seasonality. 17 There is -- there are a lot of variables into 18 the residential pickup.</p> <p>19 Q. I just asked you from memory and you 20 said, not from memory, but I could figure it 21 out, basically. And I know I'm paraphrasing, 22 but that is essentially what you said. I am 23 trying to see how I could figure it out. What 24 routes would you look for to determine that 25 these are the routes that a thrower may have</p>

<p>1 been given an extra hour or two after he 2 completed the route?</p> <p>3 A. There is not a formula. There is 4 not -- I don't have the word I want to use. I 5 apologize.</p> <p>6 Q. That's all right. Would there be 7 specific instances where I could ask you, did 8 this particular person work another route? The 9 answer is, South Jersey wouldn't know, because 10 the records don't exist. You would just sort 11 of know, maybe like in a court, on a 12 probabilistic framework, this route tends to be 13 shorter, so this person may have gone out 14 again; is that fair?</p> <p>15 A. That part would be fair. And in the 16 event there is a short route and there is 17 another route that might need to be covered, we 18 may have scheduled a second helper or thrower 19 on that route, so that one man isn't doing more 20 than what one man should really do.</p> <p>21 Q. I understand. But you don't have 22 records or recollection or really even the 23 ability now to look back over the last three or 24 four years and figure out on what specific 25 occasions which throwers worked two routes,</p>	<p>57</p> <p>1 work. It is also factored in that 2 there will be some overtime. And a 3 guy who doesn't work any overtime but 4 works five days and they are all 5 short, he makes the same money. He 6 makes -- if a man works faster than 7 someone else, so he works less hours, 8 I am not going to penalize him by 9 paying him less.</p> <p>10 BY MR. SWIDLER:</p> <p>11 Q. But my question, in your mind, if you 12 learned and -- this is a hypothetical. If you 13 learned that an employee, one of your throwers, 14 specifically, by the way you define the 15 workday, worked 45 hours in a week, that is 16 consistent with the amount they were paid for 17 that week, because they were paid, in essence, 18 for 10 hours each day. So they were paid for 19 50 hours in the way you have calculated the 20 daily rate, correct?</p> <p>21 MS. TOMLJENOVIC: Objection to 22 form.</p> <p>23 THE WITNESS: Based upon your 24 hypothetical right there, I will say 25 yes.</p>
<p>1 correct?</p> <p>2 MS. TOMLJENOVIC: Objection to 3 form.</p> <p>4 THE WITNESS: Not without 5 looking over every sheet and form. 6 And there will be some guesswork 7 involved. That is the only way I can 8 answer your question.</p> <p>9 BY MR. SWIDLER:</p> <p>10 Q. I think you answered it. Okay. 11 Now, even though I understand 12 that it is your position that the throwers 13 don't work the entire time they are on the 14 truck, you still would agree that your formula 15 builds in the potential for them to work 16 overtime, correct?</p> <p>17 A. Say that again.</p> <p>18 Q. Your daily rate is based on an 19 assumption that they will work, in essence, 50 20 hours a week, correct?</p> <p>21 MS. TOMLJENOVIC: Objection to 22 form.</p> <p>23 THE WITNESS: The formula is 24 based that there are going to be a 25 certain number of hours that they</p>	<p>58</p> <p>1 BY MR. SWIDLER:</p> <p>2 Q. So if a thrower worked 45 hours in a 3 week and was paid a daily rate of \$100 per day 4 and worked five days that week, your position 5 would be that he was paid and was paid overtime 6 for the five extra hours, correct?</p> <p>7 A. Yes.</p> <p>8 Q. And that's because, in essence, your 9 position is that he was paid minimum wage for 10 the first 40, time and a half for hours 40 to 11 45, and then an incentive to equal the 12 difference, because he was actually paid more 13 than minimum wage and time and a half and 14 minimum wage, correct?</p> <p>15 A. That is correct.</p> <p>16 Q. Do you understand whether the law, 17 the Fair Labor Standards Act, requires you to 18 pay some employees more than time and a half of 19 minimum wage for hours over 40? Do you know if 20 it does?</p> <p>21 MS. TOMLJENOVIC: Objection to 22 form.</p> <p>23 THE WITNESS: Say that again, 24 please.</p> <p>25 BY MR. SWIDLER:</p> <p>60</p>

61	63
<p>1 Q. Do you know whether the Fair Labor 2 Standards Act can require you to pay an 3 employee more than time and a half of minimum 4 wage for hours worked over 40 if the employee 5 earns more than minimum wage? Do you know if 6 that is the case?</p> <p>7 MS. TOMLJENOVIC: Objection to 8 form.</p> <p>9 THE WITNESS: I don't know.</p> <p>10 BY MR. SWIDLER:</p> <p>11 Q. Have you --</p> <p>12 A. And I will offer this to maybe speed 13 you along or help you get a sense of what we 14 do.</p> <p>15 MS. TOMLJENOVIC: There is no 16 question pending. Let him just ask.</p> <p>17 THE WITNESS: I know. I need to 18 do this, though. We called the 19 Department of Labor and told them how 20 we compensate employees and we were 21 told, as long as it was minimum wage 22 and time and a half over 40, we would 23 be in compliance.</p> <p>24 BY MR. SWIDLER:</p> <p>25 Q. Well, you were actually asked almost</p>	<p>1 Q. Who is your accountant?</p> <p>2 A. Richard Malesich.</p> <p>3 Q. You don't actually know if Richard 4 asked if a daily rate was okay or if he asked 5 if time and a half over 40 at minimum wage was 6 okay, because you didn't make the call, 7 correct?</p> <p>8 MS. TOMLJENOVIC: Objection 9 form.</p> <p>10 THE WITNESS: I don't recall 11 exactly what he said.</p> <p>12 BY MR. SWIDLER:</p> <p>13 Q. It wasn't, like, on speakerphone and 14 you were in the room? You heard of this phone 15 call through Richard telling you after the 16 fact, correct?</p> <p>17 A. Correct.</p> <p>18 Q. I don't mean with respect to this 19 litigation and I certainly don't mean with 20 respect to any allegations made in this 21 lawsuit, but prior to this lawsuit having been 22 filed, did you ever consult with any legal 23 expert, attorney, or any other person regarding 24 the pay practices of South Jersey Sanitation?</p> <p>25 MS. TOMLJENOVIC: Objection to</p>
62	64
<p>1 that exact question by my law partner in your 2 last deposition. You said that you were told 3 that a daily rate was an okay way to pay 4 employees. But you testified that you didn't 5 tell the DOL that the employees worked more 6 than 40 hours a week. So I just want to be 7 clear. Is it your testimony that you told you 8 DOL that the throwers worked more than 40 hours 9 per week?</p> <p>10 MS. TOMLJENOVIC: Objection to 11 form. You can answer.</p> <p>12 THE WITNESS: I maybe didn't say 13 it, but I think I did. But that's 14 how we do it, regardless of what the 15 court reporter put down or I didn't 16 say, but that's how it's done.</p> <p>17 BY MR. SWIDLER:</p> <p>18 Q. I am not asking how it's done.</p> <p>19 A. If that is how I said it and that's 20 how it was said.</p> <p>21 Q. Which Department of Labor did you 22 call?</p> <p>23 A. I didn't make the call myself.</p> <p>24 Q. Who did?</p> <p>25 A. My accountant.</p>	<p>1 form. That is privileged.</p> <p>2 MR. SWIDLER: It probably is.</p> <p>3 Let me rephrase it.</p> <p>4 BY MR. SWIDLER:</p> <p>5 Q. When creating and implementing your 6 wage and hour policies with respect to the 7 throwers and your daily rate, did you consult 8 with any attorneys?</p> <p>9 MS. TOMLJENOVIC: You can say 10 whether you consulted, but you can't 11 say anything that was said or 12 discussed with any attorney.</p> <p>13 THE WITNESS: I don't remember.</p> <p>14 BY MR. SWIDLER:</p> <p>15 Q. Did you do any of your own 16 independent research on the Internet or, 17 really, any way you might do research, to 18 determine if your wage and hour policies were 19 compliant with the law?</p> <p>20 MS. TOMLJENOVIC: At any point 21 in time?</p> <p>22 MR. SWIDLER: Yes. Now I am 23 going to say at any point in time.</p> <p>24 BY MR. SWIDLER:</p> <p>25 Q. And this probably goes without</p>

65	67
<p>1 saying. I am not asking about discussions you 2 had with counsel, especially in regards to this 3 lawsuit. I just want to know, in your own 4 independent accord, did you ever try to do your 5 own research?</p> <p>6 MS. TOMLJENOVIC: Objection to 7 form. But answer, if you can.</p> <p>8 THE WITNESS: I don't remember.</p> <p>9 BY MR. SWIDLER:</p> <p>10 Q. Okay.</p> <p>11 A. The reason being, it's been a long 12 time. I have been in business a long time. I 13 don't know what I might have done ten years ago 14 or five years ago.</p> <p>15 Q. How long has this policy been in 16 effect, this sort of daily rate with the -- can 17 I call it a split day? You have eight hours 18 and two hours of overtime. Can I call it, 19 like, a split day policy?</p> <p>20 MS. TOMLJENOVIC: Objection to 21 form.</p> <p>22 THE WITNESS: I don't think 23 that's fair. I think a day rate is 24 probably -- is what I call it.</p> <p>25 BY MR. SWIDLER:</p>	<p>1 hours for me, he is still getting 2 much more than \$56.</p> <p>3 BY MR. SWIDLER:</p> <p>4 Q. I will represent to you -- you can 5 just take this as true, because when I say I 6 represent to you, it doesn't mean you have to 7 agree with me. It means, for the purposes of 8 answering the question, I want you to assume 9 this is true.</p> <p>10 A. Okay.</p> <p>11 Q. If you paid somebody a daily rate and 12 you didn't distinguish between overtime and 13 regular time, you didn't do any of that, and 14 that person worked for you 60 hours a week and 15 you paid them for five days, so they worked 12 16 hours a day, and the person is nonexempt, you 17 would owe that person overtime. Okay? So my 18 understanding as to the way -- one of the 19 positions of South Jersey is that, one of the 20 reasons they don't owe overtime to the clients 21 is because they already paid overtime, it's 22 included in the daily rate. Is that an 23 accurate understanding?</p> <p>24 MS. TOMLJENOVIC: Objection to 25 form.</p>
66	68

69	71
<p>1 A. I wouldn't even say that most of them 2 work five. But there is some number that work 3 five, let's put it that way. Some work less 4 than five.</p> <p>5 Q. It's rare that they work six?</p> <p>6 A. Right.</p> <p>7 Q. We have seen the records. I 8 understand that. It's rare they work six. You 9 agree with that?</p> <p>10 A. Yes.</p> <p>11 Q. It's not as rare that they would work 12 five days per week, correct?</p> <p>13 A. Not as rare as six, correct.</p> <p>14 Q. If they worked five days and they 15 worked less than 50 hours, the position of 16 South Jersey is they have already been paid for 17 any overtime they may have worked, because, 18 when they work five days at the daily rate, 19 they are already being paid in essence for 10 20 overtime hours for that week, whether they work 21 them or not?</p> <p>22 A. Yes.</p> <p>23 MS. TOMLJENOVIC: Objection.</p> <p>24 BY MR. SWIDLER:</p> <p>25 Q. How do you calculate what the</p>	<p>1 form.</p> <p>2 THE WITNESS: I am not sure 3 which came first, as I go back in my 4 brain, the chicken or the egg, 5 Justin. But it was a methodology 6 used to fairly compensate, in my 7 head, to fairly compensate and to 8 make those workers work for South 9 Jersey Sanitation and not someone 10 else.</p> <p>11 BY MR. SWIDLER:</p> <p>12 Q. Right. I understand the purpose of 13 it. But --</p> <p>14 A. If you work one day, Justin, you got 15 paid the day rate, the \$100 rate. You had no 16 overtime, but you still got -- so the 17 calculation is different. There are guys that 18 only want to work a couple of days a week and 19 they are happy with that. I don't understand.</p> <p>20 Q. Rather than ask you how it first 21 started ten or more years ago, these days, like 22 recently, when you calculate a person's pay, 23 you start with how many days per week did they 24 work, right, you multiply that by the daily 25 rate, and then, when sort of breaking it down,</p>
70	72
<p>1 incentive amount is each week? I don't need 2 the discretionary part. Again, this is your 3 Interrogatory. They get paid eight hours of 4 regular time, which is minimum wage, two hours 5 as an overtime rate, which is one and a half 6 times the minimum, together with a daily 7 incentive amount. How do you calculate that 8 daily incentive amount?</p> <p>9 A. It's actually a float. It's not the 10 same. That incentive amount, whatever that 11 number is, changes by the base of whatever the 12 baseline was of the hours that they worked to 13 begin with. If a man worked four days, he 14 still is getting that built-in overtime, so 15 therefore, his incentive rate would be higher.</p> <p>16 Q. So in other words, the incentive rate 17 is sort of -- it's like an X to get you to the 18 final number --</p> <p>19 A. We back to a formula to give that 20 worker that dollar figure, correct.</p> <p>21 Q. But the formula starts with the 22 dollar figure that they are going to earn and 23 then it works backwards to describe how it got 24 there; is that accurate?</p> <p>25 MS. TOMLJENOVIC: Objection to</p>	<p>1 you add to that, well, this is really based on 2 minimum wage, time and a half, and an incentive 3 amount, but the total compensation starts with 4 number of days times the daily rate, correct?</p> <p>5 MS. TOMLJENOVIC: Objection to 6 form.</p> <p>7 THE WITNESS: Yes. If I have to 8 explain how we got there, that's how 9 we got there.</p> <p>10 BY MR. SWIDLER:</p> <p>11 Q. By way of example, if I asked you 12 hypothetically that, let's say John Smith 13 worked 42 hours for your company over the 14 course of a week and his daily rate was \$100, 15 that wouldn't be enough, still, for you to 16 calculate how much he was earning, correct, 17 because you don't have the amount of days that 18 he worked, which is a requirement to figure out 19 how much you owe him, correct?</p> <p>20 MS. TOMLJENOVIC: Object to the 21 form.</p> <p>22 THE WITNESS: No. I disagree. 23 I have the number of days he worked.</p> <p>24 BY MR. SWIDLER:</p> <p>25 Q. I am just trying to figure out how</p>

<p>1 the formula works. The only two pieces of 2 information that you require to determine how 3 much you owe an employee is number of days 4 worked during the week and the daily rate? 5 Those are the only two pieces of information 6 you need, correct?</p> <p>7 MS. TOMLJENOVIC: Objection to 8 form.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MR. SWIDLER:</p> <p>11 Q. Number of hours and incentive rate, 12 that is just there to sort of justify the 13 number that is already determined by the daily 14 rate and the number of days worked, correct?</p> <p>15 MS. TOMLJENOVIC: Objection to 16 form.</p> <p>17 THE WITNESS: I am going to 18 disagree with the way you're phrasing 19 it.</p> <p>20 BY MR. SWIDLER:</p> <p>21 Q. How would you phrase it?</p> <p>22 A. It was designed to fairly compensate 23 an employee.</p> <p>24 Q. I know. I am not asking about 25 whether it's fair, whether you're paying more</p>	<p>73</p> <p>1 question. What do you want 2 rephrased?</p> <p>3 BY MR. SWIDLER:</p> <p>4 Q. The question is, whether these 5 variables of regular hours worked, overtime 6 hours, and incentive, if that really helps you 7 calculate the wages or if the only thing you're 8 really looking at is daily rate and days 9 worked?</p> <p>10 MS. TOMLJENOVIC: Are you 11 talking about per week, per person?</p> <p>12 MR. SWIDLER: Yes.</p> <p>13 MS. TOMLJENOVIC: I object to 14 form. Mischaracterizes his earlier 15 testimony.</p> <p>16 BY MR. SWIDLER:</p> <p>17 Q. I have given you the opportunity to 18 answer however you think is best. I am not 19 trying to mischaracterize your testimony.</p> <p>20 A. I am just trying to figure the best 21 way to explain it to you so we can move on. I 22 know I wasn't keeping hourly records for the 23 helpers, throwers. And in order to compensate 24 them so that it was fair, we did make the phone 25 call to the Department of Labor. And my</p>
<p>74</p> <p>1 than the minimum wage. My question is, if you 2 have to figure out a person's compensation, 3 you've already answered, there is only two 4 things you need, number of days worked and the 5 daily rate. You multiple those together, that 6 is how much you owe the person for the week, 7 correct?</p> <p>8 A. Right.</p> <p>9 MS. TOMLJENOVIC: Objection to 10 form.</p> <p>11 BY MR. SWIDLER:</p> <p>12 Q. And this explanation about that they 13 are really paid for ten hours, eight of which 14 is regular, two of which is overtime, and then 15 an incentive amount, that's after the fact? 16 You have already decided how much they're 17 earning, correct?</p> <p>18 MS. TOMLJENOVIC: Objection to 19 form.</p> <p>20 THE WITNESS: I can't answer 21 that question that way. It's not a 22 fair presentation --</p> <p>23 BY MR. SWIDLER:</p> <p>24 Q. Just tell me how you would phrase it.</p> <p>25 MS. TOMLJENOVIC: What is the</p>	<p>75</p> <p>1 formula, the way I came up with this years ago, 2 was that they have a minimum wage and they had 3 an incentive on top of that so they would work 4 to get -- so it was fair, so a man would work 5 for me. To work out the numbers as to what is 6 overtime, it was difficult, because not 7 everyone works a certain -- there is not a set 8 time. But I knew it would be okay if I 9 overcompensated them, because that's not a 10 problem. There still wasn't a record kept and 11 that was a problem. And I have to figure out a 12 way to correct that and I will get there. But 13 that is how I came up with it. I can't answer 14 it any other way.</p> <p>15 Q. You understand now that you need to 16 keep hourly records for the throwers? Sitting 17 here today, you understand that?</p> <p>18 MS. TOMLJENOVIC: Objection to 19 form.</p> <p>20 THE WITNESS: I understand that 21 if I did that we wouldn't be having 22 this discussion. I also understand 23 that my helpers don't want to be paid 24 hourly, the majority of them. You 25 have deposed several of them. They</p>

77	79
<p>1 know that this is an issue. Word is 2 that they don't want this, the 3 majority of my helpers, because they 4 recognize that they are not going to 5 make any money in most of the year if 6 I paid them straight hourly wage.</p> <p>7 BY MR. SWIDLER:</p> <p>8 Q. I suppose it would depend what their 9 hourly rate was.</p> <p>10 A. If it was minimum wage.</p> <p>11 Q. Well, I agreed you paid them more 12 than minimum wage. For the most part, there is 13 no allegation in this lawsuit that you paid 14 under minimum wage, except maybe for a few 15 weeks.</p> <p>16 Let me ask you this, even if we 17 use your definition of when the workday starts 18 and when the workday ends -- I actually didn't 19 ask you when the workday ends. We didn't 20 actually go there. When does the workday end, 21 in your mind, for a thrower?</p> <p>22 A. When they have completed their last 23 pickup of the day.</p> <p>24 Q. So the final residence?</p> <p>25 A. Yes.</p>	<p>1 not a record that says, Justin, 2 Hours, correct.</p> <p>3 MR. SWIDLER: Okay.</p> <p>4 - - -</p> <p>5 (Whereupon, a recess was held from 6 2:43 p.m. to 2:48 p.m.)</p> <p>7 - - -</p> <p>8 BY MR. SWIDLER:</p> <p>9 Q. Is Mr. Malesich still your 10 accountant?</p> <p>11 A. Yes.</p> <p>12 Q. And how long has he been your 13 accountant?</p> <p>14 A. Over 10 years.</p> <p>15 Q. And I think you answered this. When 16 I say, your, I mean South Jersey's accountant.</p> <p>17 A. Correct.</p> <p>18 Q. He has been South Jersey's 19 accountant?</p> <p>20 A. Yes.</p> <p>21 Q. And he has been South Jersey's 22 accountant for more than 10 years?</p> <p>23 A. Yes.</p> <p>24 Q. Did he ever raise concerns with you 25 regarding the way you pay your employees?</p>
78	80

81

1 MS. TOMLJENOVIC: Off the
2 record.

3 (Off the record)

4 MR. SWIDLER: The deposition is
5 over unless -- do you have anything
6 you want to ask?

7 MS. TOMLJENOVIC: No.

8 MR. SWIDLER: You're done.

9 - - -

10 (Witness excused.)

11 - - -

12 (Deposition concluded. Time noted
13 2:53 p.m.)

14 - - -

15

16

17

18

19

20

21

22

23

24

25

82

1 - - -

2 C E R T I F I C A T I O N

3 - - -

4

5 I hereby certify that the proceedings and
6 evidence are contained fully and accurately in
7 the stenographic notes taken by me upon the
8 foregoing matter on February 19, 2013, and that
9 this is a correct transcript of same.

10

11

12

13

KIMBERLY A. LITTLE, RPR, CCR
NOTARY PUBLIC

14

15

16

17

(The foregoing certification of
18 this transcript does not apply to any
19 reproduction of the same by any means,
20 unless under the direct control and/or
21 supervision of the certifying
22 shorthand reporter.)

23

24

25

ANTHONY COLASURDO

83

A	alavezlopez	apologize	aware	box
ability 32:15 57:23	1:4 alejandro 1:5	57:5 appearances 2:1	18:24 19:4	1:23 brain 71:4
able 12:4,14	allegation 77:13	apply 82:18		break 7:2,4
absent 42:20 43:6,18 44:5 45:15	allegations 63:20	approximately 1:17 14:6 24:25 51:13		breaking 71:25
absolutely 22:11	allegedly 19:9	april 2:8	b	briefly 5:2
accord 65:4	allow 36:3	area 38:11	3:8 19:22	bring 45:3
accountant 62:25 63:1 79:10,13,16,19 79:22	allowed 29:6 31:11 32:17 36:13	argue 32:20	49:13	broke 7:15
accurate 8:15 19:9 24:2,4 34:22 40:17,25 42:5 46:6 47:12,16,22 48:1,3,4,16,23 49:1 50:14 67:23 68:2 70:24 78:19	alyson 2:9 amount 14:15 30:20 50:16,20 53:24,25 54:4 54:9,10 59:16 70:1,7,8,10 72:3,17 74:15	arguing 32:22 arrive 16:5 37:3 arrived 37:15	back 18:21 19:20,21 20:17 27:2 29:23 33:17 37:11 38:3 46:8 55:5 55:17,21 57:23 70:19 71:3	brought 36:11
accurately 82:6	answer 5:20,23 6:3,14,21 9:8 9:13,19 10:13 10:24 11:5 12:8,17,19,22 13:12,19,25	arrives 41:5 arriving 38:8 asked 5:24 18:25 24:1,9 27:14	backwards 70:23	builds 58:15
act 60:17 61:2	15:6 21:3 22:15 24:6 27:5,13,19	asking 10:25 13:4,8,11 24:21 28:8	badgered 22:7 29:4 33:10	built 66:4,6
action 1:4 49:3	30:7 32:13	27:17,24 28:19	badgering 32:12	builtin 70:14
activities 15:5	33:8,21 34:4	assignment 55:6	badliacco 22:23 23:4,15	bus 39:17
activity 36:12	36:9 38:5,15	assume 6:4,4 10:24 67:8	businesses 7:7	busier 35:19
actual 48:5	39:9,22 48:8	assumption 51:15 58:19	business 7:16 46:16 50:2 65:12	business 7:16
add 18:13 72:1	50:24 57:9	atlantic 2:9,10		
added 53:23	58:8 62:11	atomljenovic 2:11		
adds 54:9	65:7 74:20	attorney 5:11 11:19 19:17		
advance 43:17	75:18 76:13	20:1 22:9		
ago 18:8 24:23 29:13 50:21 65:13,14 71:21 76:1	80:10,14	31:17 49:17,21		
agree 16:2,6,8 41:10,14 42:16 43:19,20,23 44:4 50:15 51:20 58:14 67:7 69:9	answered 11:20 24:8 34:7 58:10 74:3 79:15	50:7 63:23 64:12		
agreed 4:4 77:11	answering 6:13 67:8	attorneys 64:8		
agreement 53:21	anthony 1:10,16 3:2 4:12,22,24 4:25 5:4	available 48:17		
ahead 20:14	antonio 1:4,5,6	avenue 2:9		
	anybody 23:1	average 13:15 14:15		

R&K Reporting Inc.

Phone: 215-946-7009

rkreporting@gmail.com

ANTHONY COLASURDO

84

12:18 13:25	clock 36:6	computer 17:14	60:15 63:7,16	21:11
15:6 18:14	close 8:14 40:8	17:17 20:24	63:17 66:7	day 8:8,10,11,12
29:12,15 30:7	colarsurdo 1:10	49:18 50:1	68:25 69:12,13	8:18,21,24
30:23,25 31:18	colasurdo 1:16	computers 49:22	70:20 72:4,16	10:7,9 11:4,25
33:21,22 64:10	3:2 4:12,22,23	concerns 79:24	72:19 73:6,14	12:5,15,20
74:20 76:13	7:7 46:14	concluded 81:12	74:7,17 76:12	13:4,10 17:9
car 10:23	com 2:11	conclusion 45:4	78:9,16 79:2	18:21 25:17,18
card 36:7	come 35:15 36:1	consider 15:24	79:17 80:16	37:2,5,25
cards 46:23	36:4 41:23	37:16	82:9	38:25 39:4,5,7
case 5:10 61:6	42:7,13,14	considered	counsel 4:5 65:2	43:25 51:5,13
68:4	55:5 66:18	43:18 66:7	couple 18:13	51:22 52:6,7
cases 39:15,15	comes 29:14	consistent 9:14	56:8 71:18	52:11,13 53:14
ccr 82:13	55:17	11:4 15:4,10	course 72:14	54:5 55:24
certain 17:2	coming 36:12	59:16	court 1:1,19,22	59:18 60:3
21:10 35:19	42:22	constantino 1:5	6:9 19:23	65:17,19,23
58:25 66:13	commensurate	construction	57:11 62:15	66:1,2,21,24
68:6 76:7	35:13	66:16	covered 57:17	67:16 68:11
certainly 16:3	commercial 26:3	consult 63:22	creating 64:5	71:14,15 77:23
30:21 46:5	common 41:10	64:7	credible 30:24	days 9:21 10:3
63:19	41:14	consulted 64:10	33:19	35:18 47:7,22
certification 4:7	commonwealth	contact 19:23	currently 7:8	52:13,24 53:4
82:17	1:19	contained 82:6	customers 26:3	53:7 59:4 60:4
certified 1:18	companies 7:25	control 82:20	cut 6:18	67:15 68:24
certify 82:5	company 1:10	cooper 2:8	 D	69:12,14,18
certifying 82:21	7:9,22 8:6	cooperlevenson	d 3:1	70:13 71:18,21
change 13:4	12:24 66:18	2:11	daily 46:24 51:4	71:23 72:4,17
36:14 50:4	72:13	coordinates	51:18,21 53:12	72:23 73:3,14
51:9 52:2	compensate	21:17 23:20	53:14 54:1	74:4 75:8
56:16	61:20 71:6,7	copied 49:22	58:18 59:20	80:25
changes 70:11	73:22 75:23	correct 8:22 9:1	60:3 62:3 63:4	deadline 19:24
changing 29:7	80:5	9:5,14 10:6,10	64:7 65:16	deal 42:6 52:25
check 20:23	compensated	16:5 17:7,21	67:11,22 68:5	decent 35:16
24:13	52:19 68:10	18:18,22 20:21	68:6 69:18	decided 74:16
cherry 1:17 2:4	compensating	23:13,17,21	70:6,8 71:24	decides 53:15
12:25 39:23	35:8	36:25 39:14,18	72:4,14 73:4	defendant 46:25
40:1	compensation	40:14 42:20	73:13 74:5	defendants 1:11
chicken 71:4	51:9 66:2,5	44:8,12,24	75:8	2:12
choose 10:11	72:3 74:2	45:6,20,23	dark 5:21	define 40:19
16:21 17:13,15	complaint 22:8	46:9 47:14,19	data 25:11,14	59:14 78:1
chosen 35:24	complete 55:24	47:23 48:6,18	26:7,10,13,21	definition 77:17
city 2:10	completed 57:2	49:3 50:17,18	29:21 30:21	78:7
civil 1:4	77:22	50:22,25 51:6	32:19 34:3	definitive 12:19
clarified 27:21	compliance	51:10 54:2,6	49:23 50:6	12:22
clear 5:13 62:7	61:23	58:1,16,20	date 1:17 18:15	delete 50:6
clients 67:20	compliant 64:19	59:20 60:6,14	dep 20:7	

R&K Reporting Inc.

Phone: 215-946-7009

rkreporting@gmail.com

ANTHONY COLASURDO

85

department 61:19 62:21 75:25 depend 77:8 deposed 29:13 76:25 deposition 1:16 5:9 19:22 22:13 23:11 29:10 31:19 34:25 62:2 81:4,12 depositions 13:1 49:13 derossi 22:25 23:5,16 describe 70:23 described 66:25 description 3:9 designed 73:22 78:15 designee 5:10 7:1 determine 16:20 48:13,17 56:24 64:18 73:2 determined 73:13 devices 46:4 didnt 5:17 19:12 21:24 23:7 28:22 29:9 33:18 42:11 51:9 62:4,12 62:15,23 63:6 67:12,13 77:18 77:19 difference 60:12 different 8:11,13 15:12 71:17 difficult 76:6 dina 22:23 direct 82:20 disagree 72:22 73:18	discovery 80:24 discretionary 53:18,24,25 54:8,10,24 70:2 discuss 46:17 50:7 discussed 64:12 discussion 76:22 discussions 65:1 distance 37:21 distinguish 67:12 district 1:1,2 document 3:14 documents 34:10 46:16 doesnt 14:4 33:5 33:7,13,14 39:4 41:22 42:13,24 43:2 46:15 59:3 67:6 doing 26:4 29:8 29:9 36:14 41:3 52:9 57:19 dol 62:5,8 dollar 66:13 70:20,22 dollars 53:23 dont 5:21,22,23 6:8,24 10:24 11:2,3,4,9,15 11:23 12:22 13:13,24 15:7 17:5,9,15 19:18 20:6 21:1 25:1,9 26:18 30:2 33:25 36:1 38:12 39:10 40:12 41:8,9 41:21 42:2,4 43:9,20 50:19	55:11 56:3 57:4,10,21 58:13 61:9 63:3,10,18,19 64:13 65:8,13 65:22 67:20 70:1 71:19 72:17 76:23 77:2 78:18 80:1,3,8,13,14 80:21,23 drive 10:23 driver 25:22 drivers 15:22 19:6 25:21 39:2 46:23 47:13,18 driving 40:13 duly 4:13	43:5,15,17,18 43:23 44:5,8 45:12 51:15 54:23 55:1 59:13 61:3,4 73:3,23 employees 41:8 41:22 60:18 61:20 62:4,5 66:12 79:25 80:5 employment 7:24 ends 77:18,19 78:3 ensure 49:23,23 50:6 entire 58:13 equal 60:11 especially 65:2 esquire 2:2,9 essence 51:4 58:19 59:17 60:8 69:19 essentially 56:22 established 45:13 estate 7:22 8:3 estimate 31:12 estimates 32:17 estimating 20:20 event 55:22 57:16 evidence 82:6 exact 18:15,17 18:20 40:18 43:15 50:16,20 62:1 exactly 32:6 42:25 48:3 52:23 63:11 examination 3:3 examined 4:13 example 45:17 72:11	exceptions 68:23 exclusive 53:21 excuse 23:12 excused 81:10 exist 57:10 exit 38:7,10 expect 6:24 13:13 19:24 experiences 11:1 expert 63:23 explain 32:2,5 49:17 51:7 72:8 75:21 explained 51:11 explanation 74:12 extra 52:20,22 53:3,7,13,22 55:1,9 57:1 60:6
				F f 82:2 facility 8:16 36:2 fact 29:8 41:25 50:11 63:16 74:15 factored 59:1 fair 6:5 9:21 10:4 48:23 57:14,15 60:17 61:1 65:23 68:13,17 73:25 74:22 75:24 76:4 78:5 fairly 24:8 35:8 71:6,7 73:22 familiar 49:21 family 35:21 faster 59:6 favorable 66:15 fax 1:24 february 1:13 14:23,24 25:16 25:17 35:15,17

ANTHONY COLASURDO

50:10 82:8	28:5 30:6	gentleman 44:9	34:2 40:25	head 27:20 71:7
feed 35:21	37:18 39:9	getting 40:12	41:4 46:3,3	hear 5:17
feel 22:6 24:19	40:5 41:16	43:24 67:1	47:11,25 48:15	heard 63:14
29:3	43:8 44:19	70:14	48:21,25 50:12	held 1:16 29:13
figure 29:6 42:3	45:8,25 48:8	give 9:12,16 11:9	50:22 78:21	79:5
42:19 56:20,23	49:5 50:24	12:18 30:3,18	80:19	help 36:24 61:13
57:24 66:13	52:16 56:6	30:21 31:2	ground 5:7	helper 57:18
70:20,22 72:18	58:3,5,22	34:4 70:19	group 36:21	helpers 75:23
72:25 74:2	59:22 60:22	given 57:1 75:17	guaranteed 54:1	76:23 77:3
75:20 76:11	61:8 62:11	glenn 25:23	54:4	helps 75:6
filed 63:22	63:9 64:1 65:7	go 4:23 5:7,12	guess 5:15 9:10	hernandez 1:4
files 49:18	65:21 66:9	7:4,20 10:6	9:13 10:22,22	hes 12:7 21:15
filings 4:6	67:25 68:15	11:12 20:14	10:25 11:3,6	45:10 52:8,9
final 70:18 77:24	71:1 72:6,21	21:8,15 26:1	11:11 38:12,14	higher 29:14
78:3	73:8,16 74:10	29:23 33:16	guessing 5:18	70:15
finally 6:24	74:19 75:14	37:11 38:19	10:20 20:19,22	hill 1:17 2:4
finds 42:11	76:19 78:11,23	53:9 55:21	guesswork 58:6	12:25 39:23
fine 5:6 29:20	80:7	56:13 71:3	gutierrez 1:5	40:1
finish 6:12,14,21	formula 52:25	77:20	guy 41:22 59:3	home 35:15 36:3
firm 36:11	57:3 58:14,23	goes 55:12 64:25	66:25	honestly 9:18
first 5:14 11:24	70:19,21 73:1	going 5:4,7,12	guys 52:19 53:6	hour 56:11 57:1
28:19,23 37:3	76:1 78:15	6:4 7:20 9:22	53:13 71:17	64:6,18
37:15,24 38:9	four 15:3 23:16	12:9 16:14	<hr/> H	hourly 75:22
38:24 39:6	23:21 57:24	19:22 20:12,17	h 3:8	76:16,24 77:6
40:20 55:13,18	70:13	22:2 27:2,15	hadnt 27:11	77:9
56:12 60:10	frame 28:7	28:25 31:15	half 51:17 60:10	hours 7:10 8:4,7
71:3,20 78:2	framework	32:6,9,20 34:9	60:13,18 61:3	35:4,9,17,25
five 13:9 25:4	57:12	34:14 36:5	61:22 63:5	48:5,14,18
26:20 27:9,10	friend 23:11	41:6 43:20	49:2 50:3,17	49:2 50:3,17
27:18 52:13	front 7:4 25:25	44:21 48:12	50:20 51:5,13	50:20 51:5,13
59:4 60:4,6	48:16 50:13	49:8,16,24	hammton	51:16,16,22,24
65:14 67:15	full 55:24	52:17 53:15	8:17 9:4,7,17	52:3,5,11,13
68:24 69:2,3,4	fully 82:6	54:20 55:13	10:5 13:6,16	52:25 53:22
69:12,14,18	further 36:9	58:24 59:8	14:7 42:13,14	54:6 55:1,2
float 70:9	46:17	64:23 70:22	55:5,10,18	58:20,25 59:7
follows 4:14	<hr/> G	73:17 77:4	hand 53:9,9	59:15,18,19
foregoing 82:8	garbage 39:13	80:10,14	happen 52:12	60:2,6,10,19
82:17	39:17 40:13,13	gps 16:24,25	53:16 56:1	61:4 62:6,8
forensically	42:25 43:2,3	17:3,6,11,20	happened 56:4	65:17,18 66:7
49:22	43:16 44:1,16	18:1,9,11,16	happens 41:12	66:11,20 67:1
forget 43:22	45:2,6 66:17	19:13 21:16	41:17 51:25	67:14,16 68:7
forgot 36:19	general 15:5	22:21 23:3,17	52:4	68:9,12,12,21
form 4:9 12:2,7	generally 10:5	24:12 25:11,14	happy 54:14	69:15,20 70:3
12:17 16:7,13	41:25	26:7,10,13	71:19	70:4,12 72:13
17:24 24:6		27:7 29:21	havent 37:14	73:11 74:13

ANTHONY COLASURDO

75:5,6 78:9,13 79:2	individuals 44:14	34:21 46:5 47:12,17 50:15	28:1 30:2 31:6 32:18 33:25	limits 30:19 line 3:15 34:15
house 38:24,24 39:5 42:15 43:4 44:1	industry 35:14 inferring 41:2 infers 21:25	55:25 57:9 63:24 67:19 69:16 71:9	38:12,23 39:1 39:10,11 41:5 41:21 43:6,9	lisa 22:25 litigation 63:19 little 1:18 48:12 50:2 82:13
hypothetical 43:24 45:16 59:12,24	information 11:9,10 21:16 23:19 24:16 73:2,5	jerseys 79:16,18 79:21	43:12,19,20 46:15 49:20 52:9 54:16,20 55:12,14 56:3 56:21 57:9,11	livable 35:13 live 39:23 llc 1:16 2:2 load 25:25
hypothetically 72:12	informed 39:3 inside 37:11 install 18:11	42:3,5 66:14 66:16	60:19 61:1,5,9 61:17 63:3 65:3,13 68:22 73:24 75:22 77:1	location 9:4,7 10:5 26:1 43:16 45:16
I	installed 24:23 24:25 46:4 47:25 48:15,21 50:12,22	judge 20:7,13 22:10,12 31:8 31:15,22,24 32:2,6,9,24 34:12	65:1 68:17 73:24 75:22 77:1	locations 40:2 lock 8:20 long 5:4 6:25 18:4 19:16 25:19 29:13 61:21 65:11,12 65:15 79:12
idea 5:20 34:1	instance 8:13 10:23 39:21 54:13,14	july 35:16 jury 6:4	knows 21:13	longer 18:13 22:2 34:11 35:11 52:24 53:4,8,9 54:12 54:20
im 5:12 9:22 19:20,21 20:19 23:7,10 27:20 31:21 32:17 33:14 38:5 49:16 50:8 52:22 56:21 80:9	instances 52:18 57:7	justify 73:12 justin 2:2 5:1,3 71:5,14 78:24 79:1	L	look 41:4 46:10 56:24 57:23
immediately 19:25	instruct 49:16 49:24	K	labor 36:13 60:17 61:1,19 62:21 75:25	looking 21:11 25:20 58:5 75:8
implementing 64:5	intend 49:9 interested 54:17	k 1:22	landscaper 66:17	looks 46:22,24 47:5
important 5:15 6:7	internal 50:4 internet 64:16	keep 13:21 16:25 34:21 35:3,24	law 1:16 60:16 62:1 64:19	lopez 23:8,8,9 lost 49:23
imposing 13:12	interrogatory 51:3,12 70:3	54:14,23 55:25 76:16	lawsuit 18:24 36:10 63:21,21 65:3 77:13	lot 22:1 36:1 56:17 66:23
impossible 24:21	introduced 5:2 involve 49:25	keeping 18:7 75:22	learned 59:12,13 leave 13:7,17 14:8 15:16	M
incentive 51:19	involved 58:7 isnt 24:4 40:7 57:19	kept 76:10 key 8:19	16:10,18 kimberly 1:18 82:13	m 1:17 2:9 44:3 44:4 50:9 79:6
52:2,2 53:1,13 53:23 55:9,10 60:11 70:1,7,8 70:10,15,16 72:2 73:11 74:15 75:6 76:3	ive 11:19 38:21	knew 76:8 know 5:22,23 6:20 7:17,19	18:17 19:11 24:4,11 46:8	79:6 81:13
include 38:2 68:6	january 15:2 27:21	7:21 9:13	legal 63:22 80:5 levenson 2:8	mad 38:15 maintaining 18:5
included 67:22	javier 1:4 jersey 1:2,9,17	10:24 11:8,19 11:25 16:3,9	levittown 1:23 lights 8:19,20	majority 76:24
includes 68:5	1:18 2:4,10 7:9	19:18 21:1	likewise 6:13	
increase 53:12	8:6,9 17:6,19	23:10,17,23	limitation 13:12	
independent 64:16 65:4	18:4 19:5,10	24:10 25:1,9	limited 21:2	

ANTHONY COLASURDO

88

77:3	mind 11:8 59:11	55:14	nonexempt	67:24 68:14
malesich 63:2	77:21	mornings 15:16	67:16	69:23 70:25
79:9	minimum 35:9	55:12	nonsensical 30:9	72:5 73:7,15
man 29:4 35:20	51:14,16,18	mouth 38:6	noon 10:2	74:9,18 76:18
57:19,20 59:6	60:9,13,14,19	move 33:13 34:8	normally 8:24	78:10,22 80:6
70:13 76:4	61:3,5,21 63:5	45:4 75:21	54:12	objections 4:8
management	66:19,20 70:4	movements	notary 1:19	12:10
15:14,25	70:6 72:2 74:1	17:16	82:13	obviously 36:24
manner 38:16	76:2 77:10,12	moving 33:14	note 50:9	occasions 41:8
marco 1:5	77:14	45:19	noted 81:12	55:4,8,19
marked 3:9,10	minute 26:25	multiple 74:5	notes 43:11 82:7	57:25
34:10,18 43:5	mischaracterize	multiply 71:24	notice 6:9	occurred 19:13
45:15 46:14,19	75:19		number 30:3,17	78:20
50:13	mischaracteri...		34:5 41:8	occurrences
marking 47:6	75:14		58:25 68:7	56:1,4
marlton 1:16 2:3	mistake 6:19		69:2 70:11,18	offer 61:12
material 51:5,7	money 35:21		72:4,23 73:3	office 8:23 13:1
matter 39:4 82:8	53:7 54:5,21		73:11,13,14	21:10,20
maximum 51:23	59:5 66:1,21		74:4	offices 1:16
mean 5:16,17,19	77:5		numbers 76:5	oh 46:11
9:12 11:3,11	month 10:14,16			okay 5:5 7:10,24
15:10 17:8	10:19 13:6,8,9			8:12 9:6 10:4
21:1 23:7 26:2	13:10,14,16			10:10 11:16,21
27:1,4,21 37:7	14:7,11,18,21			11:24 13:3
41:21 52:24	14:23,24 15:1			14:21 15:1,4
53:8,12,19	24:20			16:17 20:6
63:18,19 66:11	monthly 15:5			21:24 22:1
67:6 79:16	months 14:14			23:3 24:18
80:3	18:13 27:3,4,8			26:24 27:6,10
means 6:19 11:5	27:22 29:24			31:25 32:11
28:2,13,17	morales 15:20			34:7,24 35:3
67:7 82:19	16:3,9 19:21			38:20 39:16
meant 11:7	21:9,12 22:21	needs 12:8 35:20		40:11,16 41:20
28:20 29:18	23:12,15 24:2	42:3 49:19,19		44:7 46:3 47:9
meet 43:4	34:20 41:7,13	never 13:20		49:11,14 51:2
memory 56:4,7	42:3,5,10,19	19:13 33:6		51:11 52:10
56:19,20	43:1,10 46:19	35:6 38:21		58:10 62:3
men 35:14	46:22,23 47:1	52:12		63:4,6 65:10
mentioned 24:12	54:9	nevertheless		66:6 67:10,17
36:10	morales1 47:4	22:15		76:8 79:3
methodology	morning 8:14,25	new 1:2,17,18		old 18:10
71:5	10:6 13:17	2:4,10 24:3		once 10:14,16
michele 23:2	14:9 15:15	niedelman 2:8		13:6,9,10
midafternoon	16:4,19 18:18	night 8:15,20		24:20 36:10
55:12	24:4 42:1	9:1		onkay 25:23

ANTHONY COLASURDO

89

open 8:14	paraphrasing 56:21	personal 11:1 16:17 29:11	posed 38:22	18:23 49:24
opened 8:16	pardon 4:19	personally 8:18 16:20 26:12	position 37:2 44:23 45:4,17 48:20 58:12 60:4,9 69:15	public 1:19 82:13
opinion 29:11 35:7 53:4	part 29:7 36:16 36:18,19 37:25 38:8 52:1 57:15 68:2 70:2 77:12	persons 29:12 71:22 74:2 phone 1:24 20:8 63:14 75:24	persons 67:19 68:3	pull 21:10 24:13 pulls 37:24
opportunity 75:17	particular 8:11 25:19 28:8,18 38:21 43:10 44:9 45:12 52:6,7 53:7,14 57:8	phrase 28:1 73:21 74:24	possession 17:20	punch 36:2,6
opposed 66:16	parties 4:5	phrased 28:18	potential 58:15	purpose 71:12
option 39:24 54:21	partner 62:1	phrasing 73:18	practices 63:24	purposes 67:7
order 75:23	passenger 38:8 38:11	physical 9:4,7 36:2	preferences 50:4	put 8:19 20:2 38:6 53:13
ortega 1:6	pay 35:15,16,23 43:12 47:7 60:18 61:2 62:3 63:24 66:12,22 71:22 78:16,17 79:25	physically 37:6 pick 36:3 39:6 39:20 40:1 43:16 78:3,4	presentation 74:22	62:15 69:3 80:21
outer 30:19	paying 59:9 73:25	picked 42:16 43:25	preserved 49:19 49:19,24	putting 37:8
outside 37:14	payroll 53:5	picking 26:3 37:4,12 38:18	pretty 41:14	<hr/> Q
overall 66:4	penalize 59:8	40:20 44:16	previous 34:25	question 4:9
overcompensa...	pending 7:3 11:13,17 61:16	45:2	previously 34:18 46:14,19,25	5:18,19,24 6:3 6:12,15 7:3,12 9:8,19 10:13
76:9	pennsylvania 1:19,23	pickup 26:5,8,11 26:14,22 29:22	print 17:9 24:17	11:13,17,20,24
overtime 51:17 58:16 59:2,3 60:5 65:18 66:2,7,23 67:12,17,20,21 68:4,7,9,13,17 68:21 69:17,20 70:5,14 71:16 74:14 75:5 76:6	people 15:22 21:2,7,9,18,19 21:20 23:3,13 23:16 42:2	34:3 36:25 44:2,3,7,11 45:16 55:13,14 56:18 77:23	printed 17:8	12:9,12 13:25
owe 67:17,20 72:19 73:3 74:6	perfectly 5:6	piece 11:10	prior 39:5 47:11 47:25 48:14 63:21	14:4 16:7 17:5 21:4,8 22:16 22:18,20 24:8
<hr/> P	period 17:2,3 28:15 37:20 47:7	pieces 73:1,5	privileged 64:1	27:25 28:8,19
paid 51:4,15 52:8 53:6,11 59:16,17,18 60:3,5,5,9,12 66:2 67:11,15 67:21 68:3,17 69:16,19 70:3 71:15 74:13 76:23 77:6,11 77:13	person 21:12,15 32:18 50:5,5 57:8,13 63:23 67:14,16,17 74:6 75:11	pike 1:17 2:3	probabilistic 57:12	29:17,19 30:8
	po 1:23	plaintiff 49:2	probably 5:8 50:2 64:2,25 65:24	30:11,16 32:13
	point 64:20,23	plaintiffs 1:7 2:5 68:4	problem 9:14 41:11,14 76:10 76:11	33:4,21 34:7 35:22,23 36:9 38:16,22 39:22
	policies 64:6,18	please 4:17,20 6:12 21:21 22:21 26:9 46:11 48:10 60:24	problematic 35:7	58:8 59:11
	policy 65:15,19	po 1:23	proceedings 4:2 41:25 82:5	61:16 62:1
		point 64:20,23	produced 19:5	67:8 74:1,21
		policies 64:6,18	production 80:18	75:1,4 80:10
		policy 65:15,19	professional 1:18	<hr/> questioning 34:16
			program 21:4	11:5 24:22
			promise 22:13	28:2,12 30:8
			properly 18:19	quite 27:15
				<hr/> R
				r 1:22 82:2
				raise 17:14 79:24

ANTHONY COLASURDO

90

raising 22:7	76:10 79:1	14:15,19 15:7	60:17	41:2,5 44:1
ran 25:10	81:2,3	27:15 28:25	research 64:16	45:20 55:18,21
range 9:12,16	recorded 17:16	29:12,16 64:13	64:17 65:5	55:24 57:2,8
13:5,8,10	records 16:25	65:8 80:13,15	reserved 4:9	57:12,16,17,19
18:14 30:21	17:4,7,20 18:1	remembered	reserving 19:19	routes 39:1
31:2,12 34:5	18:5,7,16,25	29:20	19:20,21	55:23 56:9,15
35:18	19:4,6,10,13	remembering	residence 37:3	56:24,25 57:25
rare 69:5,8,11	19:17,24 20:17	29:15	37:15 38:9	rpr 82:13
69:13	20:23,24 21:16	repeat 5:25	39:6 40:7,14	rule 5:14 6:7 7:3
rate 51:4,17,21	34:22 35:4,24	25:12	77:24 78:2,4	7:16
51:24 53:12,14	40:17,21,24	repeated 29:19	residences 40:8	rules 5:8,9,11
54:1 58:18	46:3,6,6 47:12	repetitive 78:18	residential 26:4	36:13
59:20 60:3	47:17 48:2,4	rephrase 5:25	26:8,11,14,21	run 12:23,23
62:3 63:4 64:7	48:15,15,17,22	45:1 48:12	27:8,18 29:22	21:2,7 25:18
65:16,23 66:1	48:25 49:1,8	55:7 64:3	34:3 36:25	25:24 26:7,10
66:3 67:11,22	50:12,13,14,16	rephrased 75:2	41:1 45:20	running 21:3
68:5,6 69:18	50:20 53:5	replace 42:4	56:18	runs 8:24 21:5,6
70:5,15,16	54:25 57:10,22	report 40:3 41:4	respect 63:18,20	26:14
71:15,15,25	69:7 75:22	44:8 45:6,13	64:6	S
72:4,14 73:4	76:16 78:19,21	reporter 1:18,19	respective 4:5	s 3:8
73:11,14 74:5	80:19	6:9 62:15	responses 29:7	sanitation 1:9
75:8 77:9	redefine 10:21	82:22	51:3	7:9 8:6 17:6
read 33:17	refusing 32:4	reporting 1:22	return 55:15	18:4 19:5
ready 38:18	regarding 16:18	1:22 44:12,17	returns 55:10	34:21 63:24
real 7:22 8:3	19:10 35:4,25	44:24 45:22	reviewed 25:14	71:9
really 57:20,22	40:18 46:7	reports 40:25	26:13,20 27:7	saved 20:24
64:17 66:18	47:13,17 48:2	represent 67:4,6	27:18 29:21	49:18
68:16 72:1	48:5 49:2	representing 2:5	30:1,20 34:2	saying 48:3
74:13 75:6,8	50:20 63:23	2:12	richard 63:2,3	52:22,22 65:1
reason 6:11 7:2	79:25	reproduction	63:15	says 33:5,12,14
38:17 65:11	regardless 32:11	82:19	riding 39:13,17	79:1
reasons 67:20	54:6 62:14	request 20:1	right 6:10,24 9:9	schedule 47:6
recall 26:18 33:5	regards 34:15	49:8,9 55:6	17:19 19:19,19	scheduled 57:18
33:7,13,14,18	65:2	requesting 54:22	19:20,22 22:8	schedules 46:24
33:23 63:10	registered 1:18	requests 3:14	28:23 29:19	screen 17:14
80:2,3,8	regular 51:16	55:20	47:8 57:6	sealing 4:6
recess 79:5	67:13 68:12	require 43:11	59:24 68:20	seasonality
recognize 54:11	70:4 74:14	50:3 54:19	69:6 71:12,24	56:16
68:23 77:4	75:5	56:11 61:2	74:8	second 6:7 29:3
recollection	regularly 10:10	73:2	rodriguez 23:4,6	57:18
57:22	relate 19:1	required 44:8	23:8	see 21:11 25:19
record 4:18,21	relating 17:7	45:5 54:12	room 63:14	41:1,4 53:6
5:3 11:12,22	relations 36:14	requirement	route 25:20,24	56:23
46:22 47:22	remember 11:2	72:18	25:25 27:8	seen 69:7
50:8 55:2	13:24 14:3,6	requires 12:24	38:24 39:24	

R&K Reporting Inc.

Phone: 215-946-7009

rkreporting@gmail.com

ANTHONY COLASURDO

91

self 50:6	south 1:9 7:9 8:6	38:1 40:19	39:12 40:6	50:16 62:5
sense 14:4 32:14	8:9 17:6,19	41:1,6 45:1,2,5	41:19 43:14	74:24
61:13 68:11	18:4 19:5,10	45:19 70:21	44:22 45:11	telling 32:3 50:8
services 1:22	34:20 46:4	72:3 77:17	46:2,13 47:2,8	63:15 80:4
set 43:17 76:7	47:12,17 50:15	78:2	47:10 48:11	ten 65:13 71:21
sheet 58:5	55:25 57:9	state 4:17,20	49:7,11,14,15	74:13
short 37:20	63:24 67:19	statement 43:21	51:1 52:21	tend 53:9
55:22 57:16	69:16 71:8	43:22	56:14 58:9	tends 57:12
59:5	79:16,18,21	states 1:1	59:10 60:1,25	term 40:19
shorter 20:23	speak 6:8 19:25	station 13:17	61:10,24 62:17	testified 4:13
35:11,18 56:9	22:9 31:22,23	19:11	63:12 64:2,4	12:7 30:23
56:15 57:13	32:9 50:5	stenographic	64:14,22,24	34:24 41:24
shorthand 82:22	speakerphone	82:7	65:9,25 67:3	42:10 62:4
show 18:16,20	63:13	stop 31:7 41:6,6	68:1,19 69:24	testify 6:25 12:4
34:9 40:21	speaking 12:10	straight 77:6	71:11 72:10,24	12:14
41:9,9 42:2,4	12:23 31:5	strange 52:10	73:10,20 74:11	testifying 6:20
42:12 45:9	specific 34:5,21	subpoenaed	74:23 75:3,12	testimony 31:4
46:6 54:25	35:3 38:23	53:6	75:16 77:7	33:25 34:19,20
showing 42:6,7	40:2 43:5	suite 1:17 2:3	78:14 79:3,8	40:9 52:12
42:23 47:22	44:11 45:14	supervision	80:12,17,23	62:7 75:15,19
78:19	57:7,24	82:21	81:4,8	thats 9:3 13:11
shut 8:20	specifically	supplied 46:25	sworn 4:13 51:2	15:4 22:1 29:7
signing 4:6	26:21 59:14	suppose 11:1	system 18:9,11	37:19,25 41:2
similar 36:22	80:22	77:8	21:1,4,5,13,14	45:2 53:15
similarly 1:7	specify 28:7	supposed 42:7	22:21 23:4,17	56:12 57:6
single 47:5	speculate 44:21	42:14,16 43:3	23:23 24:12,24	60:8 62:13,16
sir 23:18 31:2	speed 61:12	43:4 45:10,13	<hr/>	62:19 65:23
sister 7:23	spend 8:3,5	45:15 52:23	T	72:8 74:15
sit 32:20	split 65:17,19	sure 15:24 28:11	t 3:8 82:2,2	76:9
sitting 6:9 76:16	splits 68:11	32:2 51:8 71:2	take 6:10 7:2	theres 41:7
situated 1:7	spot 40:1 45:10	swartz 1:16 2:2	19:16 39:24	56:10 66:23
situation 53:1	stab 5:21	swidler 1:16 2:2	50:1 67:5	theyll 39:14
six 14:14 51:23	standard 29:14	2:2 3:4 4:16	taken 39:19 82:7	theyre 35:17
52:8 68:25	66:12	5:1 7:18 12:3,8	takes 38:2	42:22 74:16
69:5,8,13	standards 60:17	12:13,21 13:23	talk 20:8 31:19	thing 33:17 75:7
skills 21:3	61:2	14:2,13 15:13	80:1	things 5:16
smith 43:24 44:3	standing 37:13	16:16 17:25	talking 14:12	12:24 13:4
72:12	start 6:13 8:9,21	20:2,6,12,16	23:10,14 75:11	15:11 36:14
smiths 44:2	37:8 38:18	22:11,19 24:14	technology	74:4 80:1
somebody 24:15	40:20 44:1,15	28:10 29:5	16:22	think 10:21 15:4
42:20 67:11	45:18 71:23	30:10,15,24	tedious 27:15	19:12 21:25
sorry 23:7	started 18:7	31:1,5,10,25	tell 5:23 11:2	25:16 28:6,13
sort 42:3 57:10	31:20 37:12	32:10,16 33:1	13:13 18:15	28:16,17 29:20
65:16 70:17	44:16 71:21	33:6,12,20,24	21:21 22:21	32:25 37:19
71:25 73:12	starts 37:3,5	34:17 38:4	24:15 32:7	38:15 44:20

ANTHONY COLASURDO

92

58:10 62:13	43:17 44:2,4,7	33:16 34:13	truck 16:21	9:17,20,22
65:22,23 66:22	44:7,12,12,17	37:17 39:8	18:17,21 19:6	10:8,9
75:18 79:15	44:23,24,25	40:4 41:15	21:10,17 23:20	
80:24	45:14,23 46:7	43:7 44:18	26:8,11,14,22	U
thinking 27:20	46:23 47:13	45:7,24 46:12	27:18 29:22	unannounced
thinks 80:4	51:16 54:15,18	46:21 47:4,9	35:23 37:9,11	41:10
thought 6:19	54:18 58:13	48:7 49:4,10	37:12,14 38:3	understand 5:18
24:7 28:24	60:10,13,18	49:12 50:23	38:8,11,17	5:24 6:1,16,21
35:13	61:3,22 63:5	52:15 56:5	39:13,18 40:13	7:5 8:12,13
three 14:25 34:9	64:21,23 65:12	58:2,21 59:21	40:13 41:1	11:11,15 13:3
49:13 57:23	65:12 67:13	60:21 61:7,15	42:25 43:3,4	17:5,10 19:8
thrower 38:23	70:4 72:2 76:8	62:10 63:8,25	43:16 45:6	27:12 28:12
38:25 40:18	80:21,24 81:12	64:9,20 65:6	47:13,18 55:13	30:11,13,16
42:6 51:23	times 10:18 13:9	65:20 66:8	56:12 58:14	32:1 38:7
52:4,14 53:2	13:15 14:7,15	67:24 68:14	trucks 10:6 13:7	40:11,17 55:16
55:8,17,19,23	14:22,25 15:3	69:23 70:25	13:16 14:8,16	57:21 58:11
56:25 57:18	16:9,18 24:10	72:5,20 73:7	15:16 16:10,18	60:16 69:8
60:2 77:21	24:24 25:4,6,8	73:15 74:9,18	17:1,4,7,20	71:12,19 76:15
78:25	26:19,20 27:9	74:25 75:10,13	18:2,12 19:11	76:17,20,22
throwers 19:1	27:10,19 29:23	76:18 78:10,22	22:22 24:3,11	80:17
34:22 35:4,23	30:1,20 31:13	80:6,20 81:1,7	25:14 34:3	understanding
36:1,16,24	32:19 33:4,10	tony 4:23	46:4,8 48:1	67:18,23
37:5 39:1,3	34:1,2,2,5	top 76:3	55:15	understood 6:5
41:9 42:4	35:19 51:18	total 72:3	true 24:2 67:5,9	unfortunately
47:18,23 48:5	66:20 70:6	tovilla 1:4	truthfully 30:18	50:1
48:14,18 50:17	72:4	track 13:22	try 48:17 65:4	union 35:1 36:10
50:21 51:3	today 5:8,11,14	17:13,15 18:12	trying 27:12	36:11,13,17,18
53:21 55:5	6:3,7,18 12:10	36:25 54:23	38:6 48:13	41:24
57:25 58:12	12:25 22:2	55:25	56:23 72:25	unit 36:20
59:13 62:8	25:15 27:21	tracks 22:22	75:19,20	united 1:1
64:7 68:22,24	49:20 76:17	transcript 82:9	tuesday 1:13	use 21:13 23:3
75:23 76:16	told 5:9 9:10	82:18	25:15 50:9	23:17,23 35:18
78:8,20	31:12 38:25	transportation	turn 8:19	36:3 43:23
thursday 25:16	61:19,21 62:2	36:4 39:20,25	turned 19:25	54:16 57:4
time 4:10 8:2,5,8	62:7	trash 26:4,8,11	twice 13:7	77:17
9:6 16:5,20	tomjenovic 2:9	26:14,21 29:22	two 5:16 7:25	uses 22:21
17:2,3 18:17	7:14 12:1,6,16	34:3 37:4,8,13	51:16 53:8	
18:20 19:1,5	13:18 14:1,10	37:24 38:10	57:1,25 65:18	V
22:6 24:3 25:2	15:8 16:12	39:6 40:21	66:6,10 68:12	valentines 25:17
25:10,13 26:16	17:23 20:4,11	45:19 78:3,4	70:4 73:1,5	variables 56:17
28:7,19,23	20:14 22:4	traveling 37:21	74:3,14 80:24	75:5
29:3 34:21	24:5 28:4 30:5	37:23	type 10:23	vehicle 17:13,16
36:6 37:20	30:12,22 31:3	trial 4:10	typical 8:10 11:4	24:13 37:9,22
38:2 39:4	31:7,14,18,23	tried 33:18	13:4	37:23
40:18,22 43:5	32:8,23 33:3,9	38:14	typically 8:8,21	vehicles 17:11

ANTHONY COLASURDO

93

17:16	62:3 64:17	73:9,17 74:20	67:15 69:14,15	65:13,14 71:21
venture 8:3	67:18 69:3	76:20 78:12,24	69:17 70:12,13	76:1 79:14,22
video 16:23 41:3	72:11 73:18	80:8 81:10	72:13,18,23	young 29:4
viewed 32:19	74:21 75:21	wont 33:7	73:4,14 74:4	you're 5:18,20
vineland 39:23	76:1,12,14	word 10:21 11:6	75:5,9 78:25	20:20 24:21
43:2,25 44:2	78:1 79:25	54:17 57:4	worker 70:20	28:7 29:6 32:3
44:10 45:19	80:4,11	77:1	workers 71:8	32:3 41:25
vs 1:8	ways 49:20	words 38:6	working 8:5	54:17 73:18,25
W				
wage 35:9,13	25:15 43:13	39:16 40:20	13:2 18:19,23	75:7 80:18
51:14,16,18	47:22 52:10,14	53:20 70:16	39:14,22 44:1	81:8
60:9,13,14,19	58:20 59:15,17	work 7:11 15:23	52:24 68:24	you've 13:5
61:4,5,21 63:5	60:3,4 62:6,9	35:5,25 36:5	works 52:4,11	27:17 34:7
64:6,18 66:20	67:14 68:18,24	37:6,13,16	59:4,6,7 66:25	41:24 53:5
66:20 70:4	69:12,20 70:1	38:19,19 39:4	70:23 73:1	74:3
72:2 74:1 76:2	71:18,23 72:14	39:5,20 41:9	76:7	
77:6,10,12,14	73:4 74:6	41:23 42:2,8	wouldn't 29:8	
wagenheim 2:8	75:11	42:12 43:18	45:18 57:9	
wages 75:7	weeks 77:15	44:5,23,25	69:1 72:15	
wait 7:14 26:25	78:8,19	45:1,5 47:18	76:21	
waived 4:7	went 5:11	52:13 53:2,3,8	writing 20:3	
walk 38:3	wild 5:21	53:9,22 54:5,6	80:22	
want 5:21 7:17	william 1:4	54:19 55:23	X	
10:21 11:21	willing 32:12	57:8 58:13,15	x 3:1,8 53:22,22	
12:22 21:22,23	wish 36:4	58:19 59:1,3	70:17	
22:14 23:19	witness 3:2 7:1	66:14,15 69:2	Y	
28:11,15 32:1	7:15 12:11,18	69:2,3,5,8,11	yard 14:8,8,16	
32:1 38:6,12	13:20 14:11	69:18,20 71:8	14:16,22 15:15	
39:25 40:11	15:9 16:14	71:14,18,24	15:17 16:4,10	
45:3 46:12	22:5,17 24:7	76:3,4,5 78:8	16:19,21 18:17	
54:14 55:11	28:6 29:2 30:7	workday 38:1	18:21 46:8,8	
57:4 62:6 65:3	30:13 31:16,21	40:19 44:14	55:5,11,18	
67:8 71:18	32:5,11,25	45:18 59:15	yeah 19:15 24:7	
75:1 76:23	34:11 37:19	77:17,18,19,20	41:18 66:11	
77:2 81:6	39:10 41:17	78:1	year 18:6,8,9,14	
wanted 25:19	43:9 44:20	workdays 35:11	20:18,20 24:23	
wasn't 24:11	45:9 46:1 48:9	35:12	26:20 27:1,3	
26:2,4 29:17	49:6 50:25	worked 19:2	27:11,12,17,23	
35:22 63:13	52:17 56:7	47:7,14,23	28:2,3,13,20	
75:22 76:10	58:4,23 59:23	48:5,14,18	28:21,22 29:18	
way 22:2 28:12	60:23 61:9,17	49:3 50:17,21	29:23 35:10,19	
28:18,21 39:21	62:12 63:10	51:5,23 52:8	48:22 50:21	
42:11 51:11	64:13 65:8,22	54:11 55:1	77:5	
58:7 59:14,19	66:10 68:16	57:25 59:15	years 57:24	
	71:2 72:7,22	60:2,4 61:4	1	
		62:5,8 67:14	1 1:11,17 27:21	
			47:1,3 50:14	
			10 1:17 2:3 8:4	
			8:25 29:23	
			30:3 31:13	
			51:13,22 52:5	
			52:11,13 59:18	
			69:19 79:14,22	
			100 41:22 60:3	
			71:15 72:14	
			10cv05647 1:11	
			11 8:15	
			1125 2:9	
			12 27:3,4,8,22	
			29:24 55:15	
			67:15	
			14 50:9	
			14th 25:17	

ANTHONY COLASURDO

94

1878 1:16 2:3	500 34:2,6		
19 1:13 3:16,16	53 81:13		
82:8	56 66:21 67:2		
19058 1:23	6		
1972 1:23	6 19:22 49:13		
1978 41:5	60 8:7 67:14		
19th 25:16 50:10	6095727438 2:10		
1a 34:18 46:7,19			
47:3			
1b 34:18 46:7,19			
46:23 50:14	70 41:5		
1c 34:19 46:7,20	75 8:7		
46:22 50:14			
2	8		
2 50:9 79:6,6	8562833525 2:4		
81:13			
20 25:6 33:4	9		
34:1,6	9 8:21,24,25		
2013 1:13 28:2	9:20,23,23,24		
28:14 82:8	9:25		
2159467009 1:24			
2159491867 1:24			
3			
30 1:17 8:14			
19:22 44:2,4			
49:13			
4			
4 3:4 8:14			
40 60:10,10,19			
61:4,22 62:6,8			
63:5 78:9,12			
78:17			
40hour 68:18			
42 72:13			
43 79:6			
45 59:15 60:2,11			
48 79:6			
49 3:17			
5			
5 42:1 44:2,4			
50 25:8 58:19			
59:19 69:15			

R&K Reporting Inc.

Phone: 215-946-7009

rkreporting@gmail.com